

# CORRESPONDENCE

RELATING TO ~~THE~~

## MODIFICATIONS INTRODUCED INTO THE CHANDA SETTLEMENT

UBSEQUENT TO THE

PREPARATION OF THE SETTLEMENT  
REPORT.



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# CORRESPONDENCE

## RELATING TO THE

### MODIFICATIONS INTRODUCED INTO THE CHÁNDA SETTLEMENT SUBSEQUENT TO THE PREPARATION OF THE SETTLEMENT REPORT.

**No. I.** *Letter from C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel R. H. KEATINGE, C.S.I. and F.C., Officiating Chief Commissioner, Central Provinces,—No. 315R., dated Simla, the 7th September 1871.*

In your Secretary's letter No. 2675-228, dated the 14th October last, a valuable and interesting report by Major Lucie Smith on the Settlement of the District of Chánda was submitted to Government, with comments by the Commissioner of the Division, Mr. Bernard, and by the Chief Commissioner, Mr. Morris, both of whom expressed their dissent from the measure recommended by Major Lucie Smith for remedying the present injustice and future evil which he conceived to have been caused by the manner in which proprietary right was conferred in this district.

2. While Government was considering the important questions raised by this discussion, your Secretary's letter No. 2903, dated 11th November last, was received, submitting a memorandum in which you took certain exceptions to this settlement, similar to those which you took to the settlement of Nimár as effected by Captain Forsyth, and recommended the adoption of remedial measures similar to those recommended in the case of Nimár.

3. The questions thus raised are of such vital importance that, as you were expected in Calcutta shortly after your letter was received, His Excellency in Council postponed the consideration of them till your arrival, in order to have the advantage of a personal conference with you. You attended the Council by invitation on 20th January 1871, and there personally explained your views regarding the settlement of this district. You stated that your knowledge of Chánda was slight, but you believed that the circumstances of that district did not differ materially from those of Nimár, except (1) that in Chánda a class of farmers, chiefly Marátha Court favorites, who got assignments of villages, had sprung up—a class that did not exist in Nimár; and (2) that the settlement now under consideration is the first regular settlement made by the British Government in Chánda, whereas Captain Forsyth's resettlement of Nimár is by no means such.

4. With regard to that part of Major Lucie Smith's report which deals with the Zamindári portion of the district and with the "Takoli" or quit-rent assessed thereon, there is no ground for question. The assessment of this tract was confirmed by Government in letter No. 12, dated 11th January 1868, from this office.

5. The questions at issue concern the *khálsa* portion of the district; and with regard to the successive revenue systems which have prevailed in it, the following particulars are given by Major Lucie Smith:—Under the Gond rule which fell before the Marátha conquest in 1749, the tenure of this tract appears to have been Rayatwari, each village having a *Patel*, or *Mukadam*, who collected the rents for Government, but had no proprietary rights beyond the rent-free holding which was assigned for his remuneration. The *Mukadam's* tenure was ordinarily hereditary, but was indivisible.

6. The Maráthás continued the same system, but made the demands on the rayats through the *Mukadam* more multifarious and more exacting.

7. From 1818 to 1830 the whole of the Nágpur territory was administered by the British Resident and his Assistants, acting in the name of the Bhonsla Rájá. The Chánda district was settled by the Superintendent, Captain Crawford, first for two, then for three, lastly for five years, the allowance to the *Mukadams* being from 13 to 15 per cent. With respect to this, it is an important question, which I am to commend to your attention, how long the system accepted by Captain Crawford continued in force while the district was under British management.

8. In 1830, the management was made over to the Bhonsla Rájá, Raghoji III, and continued under him till the end of 1853, when on his death, without heirs, the Nágpur territories lapsed to the British Government. Of this second period of Marátha rule, Major Lucie Smith writes:—"The greed and fraud of the second Marátha administration inflicted irreparable wrong on thousands of individuals, impoverished and demoralized the people generally, and proved to the district the darkest period it has known." The villages were farmed out either to men who had interest at Court, and many of whom did not reside in the village, or to the *Mukadam* on such an exorbitant assessment that, in the end, either he was ruined himself, or the village was impoverished through the exactions he had to make to recoup himself. In either case the farmer was called *Malguzar*, payer of revenue.

9. On the lapse of the Province, a Summary Settlement for a period of three years was ordered, parties in possession being maintained pending enquiry. In the meantime the Commissioner,

\* No. 60, dated 12th May 1860, paras. 17 to 20.

No. 67, dated 24th May, para. 4.

Colonel Elliot, having, in his letters marginally\* noted, reported the status of things in the Province generally as he found them, and having submitted his proposals for the future, Government in its letter No. 1279, dated 28th June 1860, desired that proprietary right in the soil should be conferred on the *Malguzars* so far as the measure could "be carried out without prejudice to the rights of others, giving the proprietors thus created as large and as absolute a control over the property vested in them as is consistent with local usage and feeling;" and with the

caution "that this policy should not be pushed so far as to do violence to the feelings of the agricultural community, or to interfere with vested interests."

10. In the letter from this office, No. 265, dated 10th October 1863, the necessity for respecting local usage and feeling was repeated in even stronger and more explicit terms. "There must," it was said, "be no ignoring of rights simply because more convenient theoretically. The rules must not be made to override *bonâ-fide* rights. If such rights occur, though contrary to the interests of the proprietary tenure conferred by Government, they should be put on the record." It was pointed out that the original intention of Government was to confer on every land-holder, so far as usage and popular feeling permitted, "as nearly as possible a fee-simple in his estate, subject only to the "payment of revenue to Government" and with reference to certain remarks which the Commissioner had made regarding "inferior proprietors," and the ignorance of Government as to the existence of such, the Chief Commissioner was asked whether in the course of settlement operations any fresh information had been obtained leading to the belief in their existence. Finally, he was told "the settlement officers must be guided by what they find to exist and to be the custom of the country."

11. Such having been the precautions with which Government guarded its gift of proprietary right in the Province, precautions which manifest its desire that the boon should be distributed among the recipients in the manner most consistent with former usage and the feelings of the people, it would perhaps have been proper for the Settlement Officer to have immediately reported the facts for the consideration and orders of superior authority when he felt any doubts as to the suitability of the rules under which he was acting,—especially such doubts as those which related to the recognition of proprietary right in absentees, and the like.

12. As matters now stand and in view of the evil consequences reported by you as likely to result from the course that has been followed, and as pointed out by Major Lucie Smith in several passages of his report, and especially paragraphs 367 and 368, you were of opinion that, before the settlement can be confirmed, some important modifications are imperatively called for.

13. The remedial measures which His Excellency in Council understood you to propose at the meeting of Council were as follows :—

"I.—That this district be withdrawn from the operation of Act X. of 1859, which was extended to it in common with the remainder of the Central Provinces by notification dated 2nd March 1864.

"II.—That the settlement with the so-called proprietor should be confirmed only on the following conditions :—

"(1).—That (except on the Mukádamí lands or their own private holdings) they shall not take from any cultivator, old or new, more than the assessment fixed on the land ;

"(2).—That they shall oust no cultivator except for non-payment of the assessment ;

"(3).—That when new land is taken up with their consent, the new cultivator shall not be required to pay more on the new land than the average rates of the pargana."

14. To give effect to the first proposal, probably legislation would be required. But with regard to the second, a good deal has even now been done to limit the power of the Malguzar over the whole village by giving to the class denominated "Malik Makbúza," subordinate proprietary rights over their individual holdings, but without any part in the management of the village, and by recognizing a large class of absolute occupancy rayats whose rents cannot be raised beyond the amounts entered in the settlement record. The effect of your present proposal would be to extend that limitation, so that the proprietorship of the Malguzar or Mukádam, as it might be found more conformable to ancient usage to call him, would be limited to the land actually occupied by himself or his retainers.

15. These views and proposals differ not only in material points of detail, but in primary principles from those held by the Chief Commissioner, Mr. Morris, and the Commissioner of the Division, Mr. Bernard. It is therefore incumbent on Government in the interests of the people of the district as well as due both to yourself and to the officers who differ from your views, that no hasty decision on so vital a question should be come to, but that the matter should be considered fully in all its bearings, both on the welfare of the district, on the expectations that may have been created in the minds of the people, and also as it affects the settlement operations concluded by Major Lucie Smith and other officers.

16. Some further explanation appears to be required regarding your proposals quoted in paragraph 13 of this letter, more particularly in respect to their bearing on those who have been recorded by Major Lucie Smith, as tenants at-will. You have suggested that no cultivator be required to pay more than the assessment fixed on the land. As His Excellency in Council is at present informed, however, the payments of only the proprietary rayats and rayats with occupancy rights have been fixed by the regular process of assessment ; the payments of the tenants-at-will being arranged by voluntary agreement and merely recorded in the settlement records without consideration of the circumstances of the cultivator, and without reference to equality of incidence. If this be so, it is desirable, in order to enable His Excellency in Council fully to understand the effect of your proposals, that your opinion should be clearly stated as to the equity of treating these payments as assessments, and the expediency and necessity or otherwise of re-examining and re-adjusting the payments of these non-proprietary cultivators.

17. His Excellency in Council is not prepared at present, pending receipt of the further report now called for, to express any definite opinion on the propriety, or otherwise, of sanctioning the proposals you have made. But should your views be finally accepted, it will be necessary to take into consideration the best mode of giving effect to them with the least possible dislocation of existing arrangements. For this reason, I am to request your opinion whether it would or would not be desirable (in the event supposed) that conditions should be recorded in the settlement papers somewhat to the following effect: that the Malguzar or Mukádam shall not, during the currency of the settlement, exact from any rayat a larger sum than is fixed on the land as its assessment, *i. e.*, a larger sum than what is fixed or recorded by the Settlement Officer as the total payment to be made by the rayat; that he shall not oust any rayat except (and that by legal process) in the single case of non-payment of the assessment so recorded; that the preceding condition shall not apply to land in the personal occupation of a Mukádam, on which land he will be entitled to demand what rent he can make terms for, irrespective of the assessment he himself may have to pay; that, in the event of any new land being brought into cultivation, the average rate of the village shall be the rate at which the assessment will be fixed; that the Malguzar or Mukádam shall be bound to grant such land as may be applied for at this rate; that the whole amount assessed thereon shall, during the term of settlement, belong to the Malguzar or Mukádam, and that this concession is for the term of this settlement only, it being distinctly understood that it will not necessarily be conceded in future settlements.

18. On the other hand, inasmuch as the proprietary rayats are in every way landowners, and absolute occupancy rayats have got their rents fixed for the term of settlement, would it be possible to give adequate effect to your views, should they be hereafter approved, by declaring occupancy rayats under Act X. of 1859, to be absolute occupancy rayats; by declaring such tenants-at-will as have at this date cultivated for twelve years or more, to be absolute occupancy tenants; by declaring in respect to the rest that they shall not have their rents raised except by consent or decree of Court; and by leaving the Malguzar entirely unfettered as regards cultivators who may hereafter be introduced into waste lands?

19. His Excellency in Council desires that you will report fully whether the course suggested in paragraph 17, or that of paragraph 18, will most fully give effect to what you consider to be the requirements of the case; and if neither course appear to you to be in all respects suitable, that you will submit definite proposals with your reasons for them. In either case, I am to ask for a statement showing roughly what will be the financial effect of the measures you would advise.

20. There is another point on which, before arriving at a decision on this important subject, His Excellency in Council is desirous of obtaining fuller information. The acceptance of your proposals, as

they are at present understood by His Excellency in Council, would apparently require to be followed by a rule to the effect that the entire sum assessed, *i.e.*, fixed as payable by the rayats for their holdings, and by the Malguzar or Mukádam for his, exclusive of local cesses, should be considered as Government revenue; and that for the present settlement, a certain percentage of this assessment, exclusive of cesses, should be assigned to the Mukádam, who, in consideration of this and the grant of the whole of the proceeds realized from waste lands taken up during currency of settlement, should be answerable for the collection of the Government revenue and local rates. On this supposition, the percentage which you consider reasonable should be stated. Under the scheme proposed by you, would it be necessary to grant to the Mukádam, as a general rule, more than 15 per cent. on the entire collections, if a more liberal portion of the assessment were granted when needful in special cases for the term of settlement, and on the understanding that at next settlement such rates will be fixed as may at the time seem proper? On the other hand, the Settlement Officer computes that the Malguzars are now receiving 40 or 50 per cent. on the rental, according to the present settlement. If that be so, would it be safe to offer them any thing less? Your careful opinion on this matter is requested, and it should be specially stated whether the adoption of any of these measures would be likely to produce serious discontent either among the rayats or Malguzars, or be liable justly to any imputation of breach of faith under the existing circumstances of the settlement, or be open to objection as placing the Malguzars in a different position from that which they have been occupying for many years past. The financial effect of any thing which you might finally propose, should be stated. And here I am to request that you will state your opinion, whether discontent would be excited in the minds of the proprietors or Mukádams as a class, by assessing at the average rates of the cultivated area of the village the sir lands actually held by them now. The object of this would be to provide a means of estimating the total revenue on which the percentage to be received by the Mukádam is to be calculated.

21. But, further, if you should be of opinion that the measure described in paragraph 20 is not necessary, then you are requested to state whether you consider the measures set forth, either in paragraph 17 or in paragraph 18, to be sufficient to meet the case.

22. Whatever be the system of settlement hereafter sanctioned, it will probably be thought desirable that the amount of the local rates should be fixed separately from the engagement for the land revenue, leaving it open to the Chief Commissioner, after reference to the Government of India, to add to them if needful.

23. From Major Lucie Smith's proposal in paragraph 368, to attach certain conditions to the conferment of proprietary right, it may be inferred that sanads granting that right have not yet been issued. When they are issued, besides the clauses conferring the



powers and prescribing the limitations of the Mukádamship, it will perhaps be found necessary to enter provisions for guarding against the consequences of such sub-division of the Mukádam's lands as would reduce the emoluments of the office for the time below what may be sufficient to ensure the proper performance of the duties.

24. With this view I am to request that His Excellency in Council may be favored with your opinion as to how far the following suggestions are suitable :—

- (a.)—The right of each person to whom a sanad has been given might be recognized as a right to a share of the Mukádamship.
- (b.)—The officiating Mukádam or Lumberdár should be chosen from among those holding under the sanad, their heirs and successors. Residence in the estate of which he is the Mukádam, or, if it is uninhabited, in the immediate neighbourhood, will be obligatory on him.
- (c.)—The rights of each sanad-holder might be declared (1) alienable from the heirs and family only if the whole right and obligation held under the original sanad be transferred; (2) heritable, subject to the obligation of providing for the services of an officiating or working Mukádam, Lumberdár or headman, by whatsoever name designated, under such rules as may from time to time be promulgated.
- (d.)—For the purpose of remunerating such Mukádam, Lumberdár, or headman, to the extent which may be prescribed by Government, the profits of all the shareholders should be held liable.
- (e.)—Each shareholder's power should be limited to the lands actually held by him; power over the occupants of other lands being confined to the working Mukádam of the time.

25. I am further to request that Government may be informed of your views as to the conditions proposed by Major Lucie Smith in paragraph 368, and particularly the second one, which would have the effect of securing to the village community the privilege of pre-emption in the case of the sale of the Malguzari, or, as it would be, the Mukádami right.

26. If Act X. of 1859 is to cease to be of force, it will be necessary to make provision for many of the objects contemplated therein by clauses in the settlement administration paper, a specimen copy of which, as well as of the Mukádam's sanad, should be sent for the approval of Government.

27. There are certain minor matters in the report which appear to call for notice.

28. Major Lucie Smith's representations in paragraph 356, as to the effect of the dates fixed for the payment of the revenue instalments driving the rayats into the market at a disadvantage, appear to call for consideration.

29. In paragraph 382, Major Lucie Smith having in view the great area of this district, has recommended that the country east of the Wyncungunga be formed into the sub-division of East Chānda. As is shown by the Commissioner, Mr. Bernard, an additional officer was sanctioned by Government for this part of the district in the correspondence which ended with the docket, No. 1447, dated 26th August 1867, to the address of the Chief Commissioner. His Excellency in Council will be glad to know whether there is any reason why the arrangement should not now be carried out.

30. The attention of the Department of Agriculture, Revenue and Commerce will be drawn to what is said by Major Lucie Smith in paragraph 269 regarding the customs line.

31. In paragraph 384, Major Lucie Smith has represented the existence in the district of many remains of fine tanks, needing only small sums to convert them into noble sheets of water, and has recommended that these ruined works be systematically repaired by Government, either through the Irrigation Department or the district officer. Works like these may perhaps best be left to the district officer, who will probably be able to apply to them with advantage the provisions of the Land Improvement Bill when passed into law. No doubt, schemes of this nature, when submitted by the district officer, will receive from the Chief Commissioner the fullest, and, where they are sound, the most favorable consideration.

32. An extract of paragraph 385 of Major Lucie Smith's report will be sent to the head of the Geological Survey for his information and consideration.—I have, &c.

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**No. II.** *Letter from the SECRETARY TO THE CHIEF COMMISSIONER, Central Provinces, to the SECRETARY TO THE GOVERNMENT OF INDIA, Department of Agriculture, Revenue and Commerce,—No. <sup>1879</sup>/<sub>101</sub>, dated Nāgpur, the 15th May 1872.*

I am directed by the Officiating Chief Commissioner to submit, for the consideration of His Excellency in Council, the report on the various matters connected with the Land Revenue Settlement of the Chānda District, called for in letter No. 315R, dated 7th September 1871, from the Secretary to Government in the Foreign Department.

2. On receipt of this letter, Colonel Keatinge caused a copy of it to be sent to Mr. W. G. Pedder, the Officiating Commissioner of the Nāgpur Division, and desired him to make the fullest possible in-

quiries into all the matters referred to in the letter, and to report the result, recording at the same time the changes or modifications which he might deem it necessary to introduce in the Settlement as it stood. Mr. Pedder was also furnished with so much of the correspondence regarding the Nimár Settlement as was required to enable him to understand the allusions to that correspondence made in the Foreign Secretary's letter, and he was requested to let the people of Chánda know that Government had ordered further inquiry into matters connected with the Settlement, and that Government desired particularly to ascertain how far the proprietary right in villages had been wisely and properly granted, and how far the status of the most numerous body of cultivators was affected by it.

3. Mr. Pedder has now submitted the report, which accompanies this letter. He has not failed to take up any point on which information was required, and he has cast the result of his inquiry into a lucid form, which will enable His Excellency in Council at once to see the past and present condition of land tenures in Chánda, the difficulties that exist in making any violent change, the modifications that are feasible, and the position which the various classes of persons who live by agriculture will hold if the proposals now made meet with His Excellency's approval.

4. The first part of Mr. Pedder's report, *viz.*, up to para. 23, is devoted to showing the status of Pátels and cultivators under the Maráthás and under the early British management of the district, and to showing that the system introduced by Captain Crawford into Chánda continued in force while the district was under British rule.

5. Mr. Pedder endeavours to prove that Pátels were merely managers, that the Maráthás leased out the villages for one or more years, and that the Pátel or manager assessed on the cultivators the revenue which the Government demanded from the village; but that he was bound to account for the whole of the rents he realized from the cultivators, and was only entitled to his percentage on these realizations. The cultivators could not be ousted, nor could their rents be raised above the amount originally fixed. Generally, the Officiating Chief Commissioner concurs in what Mr. Pedder says on this subject, but it seems unnecessary to lengthen the correspondence that has already taken place by once more arguing on a much disputed point; nor would such a discussion be of any practical value here; for while the Commissioner comes to the conclusion that the Malguzars or lease-holders, be they Pátels or not, were not persons who could have claimed to receive the proprietary rights which Government determined to bestow, he still thinks that these rights have been so distinctly conferred on them that they cannot now be withdrawn. Accepting this conclusion, the Officiating Chief Commissioner refrains from saying more regarding the status and claims of the Malguzars, and the advisability of the Settlement made with them.

Strongly in favour of a Rayatwári system as Mr. Pedder is, he admits that he does not think that now such a Settlement can be

contemplated. In his own words, as given in para. 28 of his report :—

“ We\* think that the persons with whom the Settlement has now been made, have an equitable right to expect that its general principles will be sanctioned. The Malguzari system has been formally adopted by Government for the whole of this Division. The Chief Commissioner himself, in open darbár, has explained that system and has promised its introduction. Proprietary rights have accordingly been formally conferred, after enquiry into the different claims to them. And on the strength of the belief thus created, obligations have in some instances been contracted. We consider therefore that all that can now be done is to modify the existing system in detail, in the interests not alone of the cultivators and of the district generally, but also, we hope, in that of the great body of the Malguzars themselves. And of this no one can complain. Each Malgúzar has been informed by the Settlement Officer that the Settlement made was subject to the sanction of Government, must not be considered final till that sanction had been obtained, and would probably be modified.”

It is accepted, then, by Mr. Pedder, and also by the Officiating Chief Commissioner, that the Settlement must be made with the Malguzars, and that the time has passed when it would have been possible to withdraw the proprietary rights granted to them; and this renders it impossible to entertain the proposal made in para. 20 of the Foreign Secretary's letter, *viz.*, to fix the rents of all cultivators, to consider these rents assessments, and to give the Malguzar only a certain percentage on these assessments, as remuneration for managing the village and collecting the Government revenue.

6. Paras. 30 to 35 of Mr. Pedder's report refer to the financial aspect of the Settlement. He shows that if the Settlement was to be made on the half-asset principle, the assessments made are not too low. Practically the Malguzars receive less than half the rental, and when all their perquisites are taken into consideration Mr. Pedder does not think that the majority of Malguzars will for many years to come enjoy profits equal to the Government *jama*. Had a Rayatwári Settlement been made, a larger revenue, both “ immediate and prospective,” might have been looked for.

7. Mr. Pedder calculates that had a Settlement been made on the principle that is being followed in Berár, a revenue larger by Rs. 40,000 might have been immediately obtained, while every extension of cultivation would have added to the income of the State.

8. It is also pointed out that the immediate loss to the State by receiving nothing for lands brought under cultivation during the

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\* Mr. Pedder and Major Lucie Smith, the Settlement Officer.

currency of the Settlement is not the only loss the State has to anticipate, but that this loss cannot be made on a re-settlement. To quote Mr. Pedder :

“If cultivation in Chánda increases by 50 per cent. during the term of Settlement (and the instances given in the last note show that such an increase is not improbable) this would undoubtedly indicate a rise in the value of land which should justify an increase in assessment rates of, say, 20 per cent. Consequently the Malguzars would be called on to pay a revenue suddenly enhanced by 20 per cent. on account of increase of rates, and by 60 per cent. on account of land reclaimed from waste during the current Settlement. So vast an enhancement could not, in my opinion, be made without causing deep discontent,\* and besides, through fear of it, the Malguzars would try to show as little cultivation as possible ; to let as much land as possible lie fallow during the last years of the Settlement.”

9. Having expressed his opinion generally on the Settlement, and pointed out what he considers its weak points, Mr. Pedder proceeds to detail the modifications which he would effect.

10. In para. 37 he notes the principles which he laid down for himself in making his proposals. They are—

- (a).—To maintain to the rayat his ancient right of occupancy as long as he pays a fair rent.
- (b).—To enforce from the Malguzars the performance of their duty as heads of villages.
- (c).—To prevent forced transfers of land under process of the Civil Courts.
- (d).—To reserve the right of Government to modify the system by which rents and assessments are fixed on a revision of the Settlement.
- (e).—Subject to the foregoing principles, to make as little change as possible in the status and in the profits, present and prospective, of those with whom the Settlement has been made.

11. Paras. 38 to 48 show how it is proposed to secure the rights of the rayats.

12. Mr. Pedder proposes there shall be two classes of rayats—(1) rayats at fixed rates ; (2) rayats at conditional rates.

13. The rents of the 1st class are fixed for the term of the Settlement ; the rents of the 2nd class may be increased under certain circumstances.

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\* This difficulty has, I believe, been evaded in the revision of Settlements in the North-Western Provinces by the reduction of the Government share of assets from 70 to 51 per cent. But this, of course, will not be practicable on a revision of the Chánda Settlement.

14. In paras. 17 and 18 of the Foreign Secretary's letter two alternative measures for fixing the status of rayats were proposed. The Commissioner's proposals accord generally with the suggestions in para. 17.

15. The manner in which the rents of rayats holding at conditional rates are to be raised is thus described :—

“I propose therefore to record in the village administration paper maximum rent-rates for each quality of land (say ‘Awal,’ ‘Doyem,’ ‘Soyem,’ and ‘Kunisht’). These rates will be based on the Settlement ‘assumed rent-rates’\* for the circle to which the village belongs, but those rates will be carefully revised by Major Lucie Smith, by a comparison of the actual rent-rates now paid in the circle (the principle being thus analogous to that laid down in Section 17, Act X. of 1859). In case of a dispute between the Mukádam and a ‘rayat at conditional rates’ the Deputy Commissioner will ascertain, by the agency of a Pancháyat of cultivators and land-holders, to what class the field in dispute belongs, all its circumstances, soil, situation, water-supply, &c., being of course taken into consideration. The maximum rate for the class determined by the Pancháyat will then be applied, and the rayat, as far as that field is concerned, will become a ‘rayat at fixed rates.’ The Mukádam will be required to report to the Tahsildár each instance in which he enhances existing rates, the fields on which enhancement is demanded, and the amount, in order that the Deputy Commissioner may be able to judge whether the rayats are treated fairly and understand their rights.”

16. It is proposed by the Commissioner, and in this he is supported by Colonel Keatinge, that the rayats, whether holding at fixed rates or at conditional rates, shall not have power to sell or alienate their lands. This proposal is made entirely for the benefit of the rayats themselves. One great error that we have made Colonel Keatinge conceives to be that we have prematurely given to people of all degrees, Malguzars as well as cultivators, rights and property that they did not know how to value and consequently did not care to protect. When they become alive to their loss, after it has occurred, they will not fail to be discontented thereat. Mr. Pedder's proposal for raising the rents of certain rayats will have the effect of gradually equalizing rents which are at present unequal. He in para. 44 of his report, when maintaining that equality of incidence of the land assessment is most necessary, says that this could only be attained by a regular survey, valuation, and assessment, and he thinks that a regular detailed assessment would eventually prove beneficial, not only to the cultivators, but to the Malguzars. He does not recommend, however, any such assessment at present, as follow-

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\* It will be seen (*vide* para. 33 above) that these rent rates average about double the assessment rates. The limit of enhancement fixed will therefore give the Mukádam half assets, and will not violate the principle of the Settlement.

ing so soon after the other it would cause dissatisfaction, would take time, and cost money. Regarding this matter, I am to say that Colonel Keatinge would deprecate strongly any general fresh measurement and assessment. No matter what precautions are taken on such occasions, the Amins and other subordinates employed in measuring and assessing lands prey upon the cultivators. The cost of inequality of incidence is not so great that it cannot be left as it is during the present Settlement, and we reserve to ourselves the right to correct such inequalities at the next."

17. If these proposals for securing the rayats in their ancient rights are accepted, the Officiating Chief Commissioner believes that they will give general satisfaction. Mr. Pedder also says—"I have conversed with a great number of Malguzars and I believe that, as stated in para. 373 of the Settlement Report, the great majority fully acknowledge the justice of the proposals now submitted, and know that they will not operate injuriously to them."

18. The position that the Malguzar is to occupy, next claims attention.

In para. 49 Mr. Pedder looks at the question as a four-fold one.

1st.—As it is affected by inheritance.

2nd.—" " by partition.

3rd.—As it affects the Malguzar's official position and the performance of his duties.

4th.—As it is affected by sale.

19. As regards the question of inheritance, partition, and sale, Colonel Keatinge does not see why Chānda should be treated in a different way from the other parts of the Central Provinces. We have given to the Malguzars the fullest possible rights over their villages, protecting only the rayats. Such rights as we have given to the Malguzars we have given unreservedly. The original intention of Government was "to confer on every landholder, so far as usage and popular feeling permitted, as nearly as possible a fee simple of his estate, subject only to the payment of revenue to Government." To withdraw, then, the right of sale and of division of property, according to the Hindu law of inheritance, would not, in the Officiating Chief Commissioner's opinion, differ greatly from revoking proprietary right altogether. The Officiating Chief Commissioner indeed looks upon the compulsory sale of land as a great evil, and one of our greatest political dangers, and he has already addressed Government on the subject in this office letter No. 741-90, dated 14th April 1871. The voluntary sale of land stands on a different footing, and however undesirable it may be to see villages split up and divided among many shareholders, the Officiating Chief Commissioner does not see how this is to be avoided, if we have conferred absolute proprietary rights in the village on any individual or family.

20. In para. 51 Mr. Pedder says that among the Chānda Malguzars there is a unanimous feeling that a village divided into

distinct shares is a village ruined. If this is so, then Colonel Keatinge thinks we should at once recognize that for the future we should never create a proprietor, but appoint a manager. But when proprietary right in a village has been conferred, it has been always understood that this right included the power to sub-divide the village, to sell or dispose of any share or portion of it, and to deal with it, in fact, in the same way as with any other kind of property. A village may become split up into an inconveniently large number of small shares, each share having assessed on it its quota of Government revenue, and the proprietor of each such share being responsible only for the revenue apportioned thereon; but how is this to be prevented without withdrawing the very proprietary right—the power to do what one will with the land, which was in the first instance conferred. In so far, then, as Mr. Pedder declares his proposals to be based on the view that partition or division of a village shall not be permitted, and that restriction shall be placed on the right to alienate, on the grounds that by Hindu law and custom each man has only a life-interest in landed property, the Officiating Chief Commissioner does not go with him.

21. But Colonel Keatinge believes that, even if partition and sale of villages be allowed, Mr. Pedder's proposals made in paras. 54 to 56 of his report, and intended to provide that in every village there shall be a resident headman, may still generally be carried out. This proposal to have a resident headman or manager has the Officiating Chief Commissioner's entire approval, and it is the only way, in his opinion, in which it is possible to insure the performance of the numerous duties which devolve on a Pátel or Malguzar,—duties connected with aiding the Police, furnishing statistics, supervising Patwaris, obtaining takávi advances, and other matters. When a village is partitioned out among many sharers and the Government revenue is distributed over each share, and the village becomes therefore permanently divided, it may be that in some instances the appointment of a headman for the whole village could not be easily effected. The various separate sharholders might not agree on any individual to represent them, but still, in view to the responsibility of all village proprietors for the grant of Police aid and other services to Government, they might be found willing to delegate the performance of these duties to one man, assigning him a suitable remuneration. In any case, however, the Officiating Chief Commissioner would prefer the evil of not having one representative of all the village proprietors to what he considers the greater evil of a forced co-partnership in land,—a state of things which is quite unsuited to our rapidly developing judicial institutions.

Colonel Keatinge indeed thinks that these partitions of villages will eventually become the means by which Government will escape from what he cannot but consider the error that has been committed in granting proprietary right in land. A thoroughly partitioned village will differ little from one held on Rayatwari tenure, and it will always be possible to provide in future Settlements for the remuneration of a Government manager, on whom must devolve the duties



which were formerly incumbent on the village head, but which in the absence of such headman have come to be performed by no one. It is impossible to fix personal responsibility in such matters on a number of joint proprietors, far less is it possible to hold answerable many entirely unconnected owners of estates.

22. In para. 66 reference is made to power being reserved by Government to fix, on a revision of Settlement, the payment of every cultivator, by regular process of assessment, should it be deemed advisable to do so. The Officiating Chief Commissioner looks upon this as an important provision, and one which will preserve the agriculturists of Chánda from any serious injury or loss of rights.

23. A proposal is made in para. 67 by the Officiating Commissioner that Patwaris shall be appointed to circles of villages, these Patwaris being appointed and removed by the Deputy Commissioner; and in para. 70 it is pointed out that if the suggestions that have been made for improving the position of the cultivators are accepted, Acts X. of 1859, XIV. of 1863, and the Partition Act, XIX. of 1863, must be withdrawn from Chánda; all these proposals have the concurrence of Colonel Keatinge, with the exception of that for the withdrawal of Act XIX. of 1863, to which reference has been made in paras. 20 and 21.

24. Under Section 71 Mr. Pedder gives the rules under which he proposes that proprietary rights, &c., shall be exercised. From what has been said it will be apparent that Colonel Keatinge objects to parts *a.* and *b.* of Section I. and the latter part of *a.* Section II. of the rules, which declare that the "village shall not be liable to sale, attachment, or mortgage, and shall be alienable only if the whole right and obligation held under the original sanad be transferred, and with the sanction of the Deputy Commissioner; otherwise these rules seem to Colonel Keatinge to provide for the proper management of the village and the other objects which they are intended to secure.

25. In para. 22 of the Foreign Secretary's letter it is said:—  
"Whatever be the system of Settlement hereafter sanctioned, it will probably be thought desirable that the amount of the local rates should be fixed separately from the engagement for the land revenue, leaving it open to the Chief Commissioner, after reference to the Government of India, to add to them if necessary."

Mr. Pedder referring to this paragraph says—

"There is no reason, as far as I can see, in favour of our fixing the Imperial revenue for the term of a Settlement which does not equally apply to local rates, and I am sure that to permit variations during the Settlement in the amount of local rates will cause suspicion and discontent."

Colonel Keatinge fully agrees in this, and although he is aware that some of the highest authorities hold differently he considers it absolutely necessary that the local cesses should be fixed in the same manner as the Government assessment. If further taxation becomes necessary, agriculturists might have to contribute as well as non-

agriculturists, but merely to raise the amount of the cesses demanded of them would be simply to add to the rent of the land, which is supposed to be fixed for the period of Settlement. Colonel Keatinge is aware that if the cesses are fixed for the term of Settlement, it may sometimes be necessary to defer the construction of works of material improvement, but he thinks this will be a smaller evil than to leave any uncertainty as to the total demand that can be made on an estate in the interval between two Settlements.

26. In reply to the enquiry made in para. 25 of the Foreign Secretary's letter regarding the expediency of securing to the village community the privilege of pre-emption in the case of the sale of the Malguzar's rights, I am to say that the Officiating Chief Commissioner would not introduce any such provision into the sanad or village papers, or make it a condition of the grant of proprietary right.

27. Mr. Pedder proposes that the instalments of land revenue shall be payable in future on the 15th of February and 15th of May; this can be easily arranged for.

28. In para. 73 Mr. Pedder asks for instructions for the Settlement of 24 villages in which proprietary right has not been conferred on any one. He requests that they may be settled Rayatwari on the Berár system. Colonel Keatinge supports Mr. Pedder's request, and would ask permission to apply for the services of some of the Berár surveying parties.

29. Colonel Keatinge would also bring to notice here that the Chánda district has still in reserve an area of 1,443,000 acres—almost as large an area as has been settled—in which we can admit settlers on any terms and on any tenure that we please. On these lands the Rayatwari system may in time be made to work side by side with the Malgúzari, and the comparative merits of the two will then become apparent.

30. In the final paragraphs of his report Mr. Pedder, contemplating the possibility of Government not accepting the proposals he has submitted, suggests, as the only alternative, that the Government of India shall absolutely refuse to sanction the Chánda Settlement, as being wrong in principle, and shall direct a Settlement to be made on the Berár principle. But the Officiating Chief Commissioner thinks we have gone too far to retrace our steps, and para. 28 of Mr. Pedder's report already quoted shows that this is also his opinion.

Colonel Keatinge can therefore only recommend to Government that the modifications which have been suggested by Mr. Pedder, and which are approved of by him, shall be made, but that the main principle of the Settlement shall remain intact.—I have, &c.

*Letter from W. G. PEDDER, Esq., Officialing Commissioner, Nágpur Division, to the SECRETARY TO THE CHIEF COMMISSIONER, Central Provinces, No. 1293, dated Nágpur the 6th April 1872.*

I have now the honor to submit the report upon proposed modifications in the Settlement of Chánda, called for in para. 2 of your No. 2233-221, dated 19th October last.

2. I have found no little difficulty in determining what proposals I should submit to the Chief Commissioner upon this subject. On the one hand, I do not wish to conceal my belief that a Settlement upon the Rayatwari principle would be far the best for Chánda. And I cannot but feel deeply that the steps now taken, which must in principle be irrevocable, will affect the happiness of the people and the prosperity of the district long after those who decide upon them have passed away. On the other hand, no one can feel more deeply than I do how necessary it is that any appearance of breach of faith shall be scrupulously avoided, and how much to be deprecated are changes of policy and unsettlement of accomplished facts.

3. I am also sensible that to reply to some of the questions in the Government of India letter, as well as to balance exactly the claims of existing proprietors with the interests of the community generally, require an intimate acquaintance with the district and its peculiarities to which I cannot pretend. I am glad, however, to be able to say that in framing the proposals I now submit I am generally in accord with Major Lucie Smith, whose knowledge of Chánda cannot be rivalled.

4. I feel some confidence that the measures now submitted to the consideration of the Chief Commissioner, though certainly not what I should have recommended had I now been commencing Settlement operations, and were the district in the condition in which it was 10 or 15 years ago, will place the cultivating classes in a position which will leave but little to be desired, while they will be accepted as just and fair by the great majority of all classes.

5. The relative advantages of a Settlement made direct with the cultivators, and of one made with superior Rayatwari and Malguzari proprietors, has been much discussed of late. I will not therefore go at length into the grounds of my belief that a Rayatwari Settlement would be best for Chánda. I would merely say that, theoretically, the tendency of modern economical enquiry has been to establish the advantages, social and economical, of vesting proprietary rights in the soil in its cultivators. Practically, a comparison of the prosperous and advancing state of the neighbouring Province of Berár (into which come, says Mr. Lyall, field labourers and cultivators by thousands from the Central Provinces), with the stationary,

possibly retrograding condition of this Division will, I think, support the theoretical conclusion. And, financially, it is again sufficient to compare the large and increasing revenues of Berár with those of this Division,\* in order to prove the advantages of a system under which the Land Revenue, originally higher than could be raised upon the Malguzari principle, rises yearly during the term of Settlement in proportion to the growing prosperity of the people and to consequent extension of cultivation.

6. But it is, I think, desirable, especially with reference to Malguzari system of Settlement necessary or not for Chánda. paras. 5 to 11 of the Government of India letter, to discuss briefly the question whether the real position and rights of those with whom the Settlement has been made were such as to necessitate, on equitable considerations, the adoption of the Malguzari system. For this is the opinion which has generally been entertained by those most competent to judge. Mr. Morris, as Settlement Commissioner, in sending on Mr. Rivett-Carnac's Wardha Settlement Report, says:—The “system in vogue was one which we found in force, and were morally bound to uphold.” Mr. Bernard in para. 12† of his letter forwarding the Chánda Settlement Report (a para. to which I would solicit attention) says:—“The change whereby Pátels turned into landlords set in at “the beginning of the century.” And the Chief Commissioner, commenting on this para. of Mr. Bernard's letter, says:—“The sketch given by Mr. Bernard of the manner in which the Malguzars acquired their present position and influence is true in the main. They were men of authority when the Province came under British rule, and it was not British policy to disturb a system which *grew up gradually and lasted* many years. To revert to *ancient systems* and change the whole frame-work of the land tenure would have resulted in creating much confusion, and have done injustice to a large class of people.”

7. It seems presumptuous in me, with so recent and limited a knowledge of Chánda and of this Division generally, to attempt to

\*For facility of reference I insert here the figures for each Province. The area, population, and land revenue of the Chánda Zamindáris have been excluded from Nágpur. The inclusion of those thinly peopled tracts, which pay only a nominal revenue, would have made the comparison unfair.

#### BERÁR.

Area	...	...	17,400 square miles.
Population	...	...	128 per square mile.
Land Revenue Collections	...	...	£548,433.
			or £31-11-0 per square mile.
Gross Revenue, including Local Funds, &c.	...	In 1861,	£404,662.
		In 1871,	£935,887.

#### NÁGPUR.

Area	...	...	17,424 square miles.
Population	...	...	127 per square mile.
Land Revenue Collections	...	...	£264,101.
			or £15-3-0 per square mile.
Gross revenue, including Local Funds, &c.	...	In 1861,	£281,721.
		In 1871,	£404,813.

controvert such high authority. But I may urge that I have had many years' experience in Marátha districts and in provinces conquered by the Maráthás, and that I know something of their fiscal system. I think that perusal of the facts I am about to adduce will convince the Chief Commissioner and the Government of India that the views above quoted are erroneous, that the system in force up to the introduction of British rule was in its essentials Rayatwari, and that Malguzari rights were not merely confirmed and enlarged, but were really created by the Settlement.

8. And I would here notice that para. 367 of the Settlement Report has been misunderstood by Mr. Bernard and Mr. Morris. Major Lucie Smith was interpreted as advocating a return to a system which had indeed existed during the Gond rule, a century ago, but which had for many years been superseded. But what he really said was that, spite of Marátha abuses and of the substitution of farmers of the revenue for the old village Pátels, the Rayatwari system still survived till superseded by the regular Settlement.

Different origins of Malguzari rights.

9. The persons who are now Malguzars may be roughly divided under two classes :—

1st.—The representatives of the old hereditary Pátels, who were Pátels before A. D. 1818. But few of these persons have had continuous possession.

2nd.—Persons whose rights were those of the Marátha farmers of village revenues.

Malguzars of the 1st class number 290 and hold 398 villages. Those of the 2nd class number 338 and hold 716 villages. The remainder of the khálsa villages (except a few now held "Kham") have been conferred, in default of any claim, upon a leading cultivator, and in this case the resident cultivators have been made proprietors of their holdings.

10. A description of the original status of a Pátel in Chánda of his duties, and of his rights, will be found at page 110 of Sir R. Jenkins' report of 1827.

Original status of Patels in Chánda.

"The office," says Sir R. Jenkins, "is held at the pleasure of Government, being neither hereditary nor saleable,\* and at the ejection or resignation of the incumbent, no 'Malikana' is allowed. Pátels are frequently succeeded by their sons. Whoever the incumbent may be, he is charged with the duties and entitled to the privileges of the office, unencumbered with any interference or claims on the part of his predecessor or family. He is the *agent* of Government for *apportioning* and *collecting* the rent of his village. The remuneration† for agency and responsibility, paid

\*The description quoted from Sir R. Jenkins by Mr. Bernard (page 8 of printed Settlement Report), in which it is stated that "the office of Pátel is hereditary and saleable," refers not to Chánda, but to the "Do Umali" country, including part of Berár in which a Rayatwari Settlement has now been made.

†I find that the Chánda Malguzars now generally call the profit on their villages or difference between Government jama and gross assets, "Pátels' Inám."

either in money or rent-free land, is commonly one-fourth of the *Government share*, subject to various deductions, which reduce it to about one-sixth."

11. It is, I think, perfectly clear from this description that the office of Pátel, though hereditary, inasmuch as, under ordinary circumstances, the eldest son usually succeeded his father, carried with it no right of property or of profits beyond its fixed emoluments, was strictly personal and for service, and was indivisible among the members of the Pátel family.

12. True, as stated by Mr. Bernard, Sir R. Jenkins proceeds,— "The cultivators hold their lands on a yearly lease granted them by the Pátel." This passage seems to have been much relied on to show that the Pátel was the virtual proprietor of the soil, and entitled to receive its rent, subject to the demands of the State. But I believe it to have been entirely misunderstood. I would especially ask attention to pages 151 to 153 of Sir R. Jenkins' report, in which he explains the reasons which induced him to leave the fixing of the share of assessment which each cultivator should pay in the hands of the Pátel. It will be seen that he says not one word of any right of the Pátel to fix rents. He merely argues that 'the Pátel or village community' are able to *apportion the assessment* on each cultivator, better than the superior revenue officers, and that the Pátel is more amenable than the latter to village opinion. Nothing can be clearer than that Sir R. Jenkins considered the Pátel bound to account to the Collector, in his annual "*Lagwan*" for the whole of the assessments he fixed. The notion of the Pátel having the right, for his own profit, to fix whatever rents he could induce his cultivators to pay, himself paying a fixed lump assessment for his village, never suggested itself to Sir R. Jenkins.

13. I cannot therefore believe that the position and rights of the Pátel, supposing that they had continued unaltered till the commencement of regular settlement operations, would have given him the faintest shadow of a claim, legal or equitable, to be declared proprietor of his village.\*

Original status of farmers of revenue.

14. If, then, the Pátel had no claim to proprietary, as distinct from Pátelki rights, had the 2nd class of Malguzars, those who (as described in the 283rd and other paras. of the Settlement Report) obtained the farm of village revenues under the Maráthás, and especially during the second period of Marátha administration

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\*I saw it indeed argued in a series of articles some time ago in the "*Pioneer*" that the fact of a Pátel receiving a share of his village revenues and certain haqs gives him an unanswerable claim to be declared its proprietor, and that the hereditary Pátels of Khándesh were treated with injustice in not being made proprietors. I can only reply, that the Kulkarni or hereditary village accountant, other inferior village officials, and the Deshmuks and Deshpandias, or hereditary district officers (the latter of whom, both in Nágpur and in Bombay, were commonly styled 'Zamindárs' which Pátels never were called) received shares in village revenues and haqs just as much as the Pátel. The Chief Commissioner is aware of the amount of consideration which the rights of hereditary accountants and District officers have received in this Division.

(1830 to 1853), any greater claim? The following facts are, I think, conclusive that they had not.

15. I would first direct attention to the leases\* (or more properly Jamābandi papers) given by the District officers during the first period of British administration. The system accepted by Captain Crawford, I may here state in reply to para. 7 of the Government of India letter, continued in force while the district was under British management.

16. From those leases it is clear that the Pátel or leaseholder accounted to the Collector for the whole revenue of his village, under two heads, "Kali," assessment of cultivated land, and "Siwai," which included "Pandri," or house-tax, grazing, and forest dues, &c., and that from the gross sum was deducted his "Inám," or remuneration at about 15 per cent., and village expenses, the balance being net Government revenue. This system is precisely that on which the annual papers of a Bombay Rayatwari village are prepared to this day, and the technical terms are the same.

17. I would now ask the Chief Commissioner's attention to the accompanying translations of leases, each for a different pargana and for a different year, given during the second period of Marátha rule, or from 1830 to 1853.

18. The points I would notice in these leases are the following:—

- 1.—As in Captain Crawford's leases, the whole of the village revenues were to be accounted for, with the deduction of the Mukádam's† inám, and of the rent of any new land brought into cultivation during the three years of the lease.
- 2.—The Mukádam might not increase‡ any cultivator's assessment during the term of the lease.
- 3.—He was bound to administer the village according to ancient custom, and thus could eject no rayat from his holding.
- 4.—He was bound to account annually for the whole of the village revenues.
- 5.—And at the expiry of the lease to leave the village in a state as good as that in which he received it.

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\*Para. 281 of Settlement Report.

† With reference to the end of para. 8 of Government of India letter, the term "Malguzar" was not known in Chánda till the issue of Colonel Elliott's rules of 1885.

‡ The Maráthas had a good reason for departing from Sir R. Jenkins' policy (*vide* para. 12 above) in this particular. The Mukádam, or temporary lessee, had not the interest in his village which Sir R. Jenkins relied on in the case of the resident Pátel, himself a cultivator.

It is not meant that the Mukádams did not, as a fact, often enhance their rayats' payments, especially by means of extra "Puttis." Had they had not done so, they often could not have paid the amount of the lease. But the Maráthas did not trouble themselves about consistency.

19. It may indeed be argued, from the form of those leases, that the Mukádamship was granted in perpetuity, though the jama of the village was fixed for a short term of years only. But this was not the case. It was always considered to be entirely at the discretion of the Subha on the expiry of the triennial Settlement of a village to grant a new lease to the man in possession, or to put in a new man. Consequently, of the 1,257 khalsa villages of Chánda, 453 only are now held by persons with a connection with the village of more than 35\* years (up to the date of Settlement), *i. e.*, dating back to the former period of British administration. Of these Malguzars of over 35 years' standing, nearly two-thirds (as noticed in para. 9 above) are representatives of the old village Pátels. And of the remainder, very few have had uninterrupted possession for 35 years; in many cases they have been out of possession for the greater part of the time. It will be seen, then, that uninterrupted enjoyment of a village for any considerable period, even if under the terms of the Marátha leases it could be held to create a claim to proprietary right, is exceptional in Chánda. And I should here explain that such a document as a sanad, parwana, or firman from the Nágpur Rájá, authorising any person to hold a village\* as its Mukádam, does not exist, and never existed. All villages not on privileged tenure were simply held on the triennial leases granted by the Subah of the district.

20. After the introduction of British rule, the system was modified by the rules of 1855 (quoted in para. 285 of Settlement Report) and finally destroyed by the commencement of regular Settlement operations in 1862, and by the application† in 1864 of Act X. of 1859 to the district. But till the introduction of the regular Settlement, triennial leases were still given to Mukádams, newly styled Malgúzars. Major Lucie Smith, who himself made many summary Settlements, tells me that the usual rule was to continue the lessee in possession at the expiry of his lease, provided that the village seemed to have flourished under him, and provided that no one else offered a larger sum, but that the lessee was dispossessed, as a matter of course, if his rayats complained of him, if the village seemed to be unprosperous, or if the sum he offered for the new lease was less than another respectable man was willing to give. And, in particular, sale of the lease was strictly prohibited.

21. I append copy of one of the Summary Settlement leases granted under Colonel Elliott's rules. I would particularly notice that even in these leases the whole of the village revenue is account-

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\* There were, of course, sanads for villages held on the privileged tenures, Makhta, Mokasa, &c.

†The Settlement system of this Division was introduced from the Panjab (para. 34 of Mr. Rivett-Carnac's Wardha Settlement Report), its rent law from Bengal, though it would perhaps be difficult to find two provinces differing more widely from each other, or both from Nágpur. And Act X., intended in Bengal to protect the rights of the rayat, has had in Chánda the effect of curtailing them.



ed for, and a deduction made from it as remuneration of the Malgúzar. And it is thus clear that from the earliest times, down to the introduction of the present Settlement, the Chánda rayat paid assessment to the Government, not rent to a landlord.

22. Such were the claims of these lessees of villages to proprietary right—claims held to be so strong that they must over-ride the interests at once of the State and of the peasantry. But it may be well, with reference to para. 367 of the Settlement Report, to state the origin of some of the leading Malguzars of Chánda.

23. Rájá Janoji of Deor, adopted son of the widows of the last Bhonsla Rájá of Nágpur, holds 9 villages. There was a singular custom in the Nágpur Court, that each of the members of the Royal family kept, through an agent or Gomastha, a shop or firm (dukan) and traded in grain, cloth, money, &c. The Gomastha of one of the queens, as a speculation on behalf of his mistress, took from the Subha of Chánda triennial leases of these villages, and hence they have descended as private property to Janoji.

Ganpatrao Dixit and his niece hold 21 villages. His father was a Kamávisdár in the district.

Anaji Amrit of Nágpur holds 17 villages. His father was Pharnavis to the Rájá.

The family of Sadnaram Tewari hold 12 villages, leased by him when a Jamádár of Sikh peons at Chánda.

Mahdora Chitnávis of Nágpur holds 9 villages. He was Chitnávis to the Rájá.

Ramrao Rajishwar holds 6 villages. His father was Chitnávis.

Kharsad Hussein holds 5 villages. His father was Subhedár of Chánda.

Govind Rao Kapri holds 6 villages. His father was Sihrastdár to a former Deputy Commissioner.

Gumana Shikarin holds 5 villages. Her husband was elephant mahout to a former Deputy Commissioner, and leased the villages when unfit for service.

None of these persons, it will be seen, had any connexion with their villages. They merely leased them as a speculation, and probably got the lease on favourable terms by means of their official influence.

24. It is, however, sometimes argued, that in a poor and backward district like Chánda the people could not get on at all without a Malguzar and the advances he makes them. I do not mean to deny that an intelligent and liberal Malguzar, residing in his village and actuated by an "enlightened self-interest" does not do good. On the other hand, a grasping, unprincipled, or extravagant landlord does at least an equivalent amount of harm, while the absentee probably does neither good nor harm, except that

Necessity to cultivators of a Malguzar.

he takes out of the village a portion of its revenue which might more fittingly belong to the State or to the rayat.\*

25. With regard to advances, I would explain that Malguzars usually charge, for seed "Séwai," for food "Dirai," *i. e.*, for every maund of seed the rayat receives he repays  $1\frac{1}{4}$ ; for every maund of grain for food,  $1\frac{1}{2}$  at harvest. Taking the harvest to be reaped on an average six months after the loan, these rates are respectively 50 and 100 per cent. per annum. The Bombay Sávkár, the curse of a Rayatwari district (though he is by no means unknown in Chánda or elsewhere in this Division) usually charges only two or three per cent. per mensem. True, the debtor of the Malguzar has the great advantage of being obliged to pay without the intervention of the Civil Court.

26. I myself see no reason to believe that the Chánda rayat could not get on without a Malgúzar as well as the rayat of Berár or Bombay; nor that he would not soon learn, to him, the most valuable of lessons, self-reliance.

Janala is a small village in the Mul Tahsili. It was held for nine years by a Brahman Malguzar, formerly an official in the Tahsil, who let it go entirely to ruin, and suffered its very fine tank to become totally useless. Under circumstances which I need not narrate here, proprietary right in this village was reserved, and it has been managed as Nazul, the Nazul Committee paying the jama fixed, Rs. 300 per annum. Early in 1869 the Nazul Committee repaired the tank as a famine work at a total cost of about Rs. 2,700. Almost all the cultivators are Gonds, and the village is managed by a Gond Pátel, who has a small cash remuneration. All cultivators have been given absolute occupancy rights, but their rents have been fixed decidedly high, at an average of about Rs. 3 per cultivated acre, being in fact almost identical with Major Smith's "assumed rent-rates" for the pargana. They have had no advances whatever from the Committee. The rent-roll has risen in two years from Rs. 420 to Rs. 700. The whole culturable area, acres 232, is now under cultivation, and the people are eager to break up, in addition, 800 acres of Government waste irrigable from the tank. When this is done, it is expected that the rent-roll, within a few years, will reach Rs. 3,000. These Gonds, the same people who in neighbouring Malguzari villages raise poor crops of coarse rice, have this year in Janala 60 or 70 acres of fine sugarcane, excellent crops of barley, &c., and, what I have seen no where else, a great deal of

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\*Perhaps I may be allowed to relate a conversation I lately had with the rayats of a Nágpur village, belonging to a Sardár of Nágpur—

Q.—Does the Malguzar ever come here?

A.—He came once for a day.

Q.—Does he make you your advances?

A.—No; we go to the Sávkár.

Q.—Does he assist you in any way?

A.—No; our village was burnt some time ago, and he never lent us a pice.

Q.—Then he is a bad Malguzar?

A.—No; he is a very good one. He lets us alone, and never troubles us; what more should we want.

hot weather rice. In fact, the village in the heart of the jungle is now the best cultivated I have seen in Chánda, superior even to good *Korih* villages. I think it affords a good illustration of my argument.\*

27. I trust that I have sufficiently explained the grounds of my belief that a Rayatwari Settlement would have been best for Chánda, and that it might justly have been adopted when Settlement operations began. I must now state the reasons which have led both Major Lucie Smith and myself, not without regret, to the conclusion that the time when it might have been introduced has passed by.

28. We think that the persons with whom the Settlement has now been made, have an equitable right to expect that its general principles will be sanctioned. The Malguzari system has been formally adopted by Government for the whole of this Division. The Chief Commissioner himself, in open darbár, has explained that system and has promised its introduction. Proprietary rights have accordingly been formally conferred, after enquiry into the different claims to them. And, on the strength of the belief thus created, obligations have in some instances been contracted. We consider therefore that all that can now be done is to modify the existing system in detail, in the interests not alone of the cultivators and of the district generally, but also, we hope, in that of the great body of the Malguzars themselves. And of this no one can complain. Each Malguzar has been informed by the Settlement Officer that the Settlement made was subject to the sanction of Government, must not be considered final till that sanction had been obtained, and would probably be modified.

29. For the same reason we would deprecate the adoption of the system suggested in para. 20 of the Government of India letter. To consider the entire sum payable by the rayats for their holdings at the time of Settlement to be Government revenue, and to remunerate the Mukádam by a percentage on this sum, plus the assessment of waste land brought into cultivation during the term of Settlement, would be to go back to the former system. And I entertain no doubt that (except as regards waste lands, *vide* para. 34

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\* In what I have said in the preceding paras. I do not wish to be understood as affirming positively that none of the present Malguzars had reasonable claims to be acknowledged as proprietors of their villages, whether from having founded them at their own expense, from having spent large sums on their improvement, or from especially long and intimate connexion with them. Had the Rayatwari system been adopted for the general Settlement of Chánda I think it very likely that good reasons would have appeared for departing from it in particular instances. A rule, for example, that 35 years' uninterrupted possession as lessee, or certain improvements, should give a claim to proprietary right, would probably have been just, and might perhaps have excluded one-fifth or one-sixth of the villages from a Rayatwari system. Nor should I have regretted this. We are all, perhaps, too apt to aim at an artificial uniformity, and Bombay Revenue Officers are possibly as much inclined to look on the Rayatwari, as Central Provinces' officers are on the Malguzari system, as something sacred, ordained by Providence, and departure from which is unnatural, if not criminal.

below) this would be the correct course. But it would be an essential change in the principle of the present Settlement, and would, I fear, be looked on as a breach of faith by the Malguzars.\* Their position would be changed from that of landowners paying half the profits of their villages as assessment to Government, to that of hereditary servants receiving remuneration from Government. This indeed, as I have explained, is the only position to which they could originally have laid claim. But it is not the position which they have been promised. And the change would cause a considerable pecuniary loss to many Malguzars. Those persons in whose villages is least waste have of course been assessed most nearly on the half assets principle, inasmuch as the present gross assets are least capable of a prospective increase. And their share of the village revenues would thus be reduced from perhaps 40 to 15 per cent.

Financial question.

30. Here seems to be the place to discuss briefly the financial aspect of the Chánda Settlement.

31. If the principle

Principal aspect of Chánda Settlement.

of the present Settlement is to be upheld, I do not think that the assessments are too low. Chánda, in the first place, is a poor, thinly peopled district. Although the soil is fertile, and the climate favourable to production, cultivation is generally poor, as the people are idle and careless husbandmen. Wild animals do much damage. And the district exports but little agricultural produce, not more, as far as I can ascertain, than annually replaces the money drawn from the district as the portion of the Government revenue which is not spent within it, and as the incomes of absentee landlords. Again, the system on which the Settlement is professedly based is that of half assets. But the loss of revenue (in Chánda as elsewhere in this Division) would have been too great if that system had been strictly adhered to. It will be seen† that the total rents paid by the cultivators, as adjusted at Khewat, but little exceed the Government jama. And even adding the value of home farms, of jungle produce, &c., and the returns to prospective increase of cultivation, I do not think that the majority of Malguzars would, under the present system, make, for many years to come, profits equal to their Government jama. If the jama had been fixed higher, the Malguzars might indeed have raised their rents. But I am sure that this would have had the effect of over-assessment, not so much because the total amount of rents would have been excessive, as because the inequality of incidence, on which I shall have to remark (para. 42 below), would have been aggravated.

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\* I believe indeed that Malguzars, who are old village Pátels, would prefer to absolute proprietary right with its corresponding liability to civil process, an enlarged and confirmed Pátelki right, with liberal remuneration, and free from that liability. But the case is different with the majority of the present Malguzars.

† The figures are, —

Government jama Rs. 2,62,351 rental as adjusted at Khewat, *including recorded rents of home farms* Rs. 3,62,814, showing an average profit to the Malguzars of 27½ per cent. on recorded assets. Major Lucie Smith estimates 15 per cent. in addition on account of the difference between the real and the recorded value of home farms and of profits from uncultivated land.

32. If, however, Chánda had been settled on the principles of the Berár Revenue Survey, I am sure that the amount of land revenue, immediate and prospective, would have been considerably greater than under the present system, while the result of equality of incidence and of carefully adjusted valuation would have been that its pressure would have been felt by the people less than at present.

33. The land revenue as now settled is about Rs. 2,62,000. The total estimated rental of the area now under cultivation, as ascertained by the "assumed rent-rates" adopted by Major Lucie Smith (*vide* para. 301 of the Settlement Report), is a little over 5 lakhs of rupees. As the principles on which this rental is estimated are nearly the same as would be applied in fixing assessments on the Berár system, it follows that, supposing Major Smith's "assumed rent-rates" not to be too high, the gross revenue under the Berár system would be 5 lakhs. From the most careful enquiries I have been able to make, I doubt if these rates are really excessive. But I will assume what, from all the circumstances of the case, I think very probable, that the rates of assessment on the Berár principle would average one-fifth lower than the "assumed rent-rates." The gross revenue would then be four lakhs. Deducting 25 per cent. (a very liberal allowance, as in Bombay the deduction is less than 15 per cent.) for Pátel's remuneration, village expenses, &c., this would leave the net revenue at 3 lakhs, or about Rs. 40,000 more than at present. And in addition there would be a very large annual increase from extension of cultivation, as pointed out in the next para.

34. I confess that one of the principles of a Malguzari Settlement which, in a backward district like Chánda, I look on as most erroneous, is the granting the waste to the Malguzars for the term of Settlement. In the first place, the instances which I give in a note\* will show how large is the prospective increase of revenue

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(Note to para. 33).—In a note to para. 20 of his letter forwarding the Settlement Report, Mr. Bernard compares the revenue rate per cultivated acre (annas 7-9) in Chánda with the same rate in certain taluks of Khándesh, in order to show that the difference is not great. With regard to Sánda, I am sure that there is a mistake in the average rate. In Dhulia and Chálisgaon the rate (deducting Pátels' inams, &c.) is given as 14 annas, almost double the Chánda rate. These taluks are incomparably better situated than is Chánda. But, on the other hand, their soil is far less fertile, and their climate far less productive, their rainfall, if I remember rightly, averaging only about 20 inches against about 50 in Chánda. I myself settled the taluks of Pimpalgaon in Khándesh and Bágán in Násik. They may fairly be compared with Chánda. They are almost as wild and as thinly peopled, and, though not so remote, are still 50 to 80 miles from a railway. In soil and climate generally they are far inferior to Chánda. Yet, if I remember rightly, their average revenue rate is about 14 annas.

\* In Berár, the increase of cultivation last year represented an increase of revenue of about 1½ lakhs of rupees.

In Khándesh, the increase of cultivation between 1850 and 1867 was about (I have mislaid the exact figures) one and a quarter million of acres, representing an increase of revenue of over one million of rupees per annum.

In Gujarát, a Province very fully cultivated at the commencement of Settlement operations, the annual increase of revenue due to extension of cultivation now amounts to nearly 7 lakhs of rupees.

In Ahmednagar, in which district the Settlements are just expiring, cultivation has increased, (taking the averages of 5 years immediately preceding the Settlement

thus sacrificed. And, in a district which, if it increases in prosperity, will call for an annually increasing expenditure on Establishments, Police, Public Works, &c., it seems wrong to render it impossible to supply this expenditure save at the cost of other Provinces. And, next, this concession will, I fear, make it difficult for Government to derive the full advantage which it should derive from revision of assessments at the expiry of the present Settlement.

35. If cultivation in Chánda increases by 50 per cent. during the term of Settlement (and the instances given in the last note show that such an increase is not improbable) this would undoubtedly indicate a rise in the value of land which should justify an increase in assessment rates of, say, 20 per cent. Consequently the Malguzars would be called on to pay a revenue suddenly enhanced by 20 per cent. on account of increase of rates, and by 60 per cent. on account of land reclaimed from waste during the current Settlement. So vast an enhancement could not, in my opinion, be made without causing deep discontent,\* and besides, through fear of it, the Malguzars would try to show as little cultivation as possible: to let as much land as possible lie fallow during the last years of the Settlement.

36. After these preliminary observations I now proceed to state, for the consideration of the Chief Commissioner, the modifications proposed in the Chánda Settlement.

Principles on which modifications of Chánda Settlement have been based. 37. The principles which I have laid down for my guidance in framing these proposals are as follows:—

- (a.)—To maintain to the rayat his ancient right of occupancy as long as he pays a fair rent.
- (b.)—To enforce from the Malguzars the performance of their duty as heads of villages.
- (c.)—To prevent forced transfers of land, under process of the Civil Courts.
- (d.)—To reserve the right of Government to modify the system by which rents and assessments are fixed on a revision of the Settlement.
- (e.)—Subject to the foregoing principles, to make as little change as possible in the status and in the profits, present and

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and of the last 5 years) from 760,000 acres to 1,447,000 acres, and Land Revenue from Rs. 4,70,000 to Rs. 5,92,000.

It is not meant that this increase of cultivation is due solely, or indeed chiefly, to a Rayatwari system. But that system has enabled the State to derive a benefit from extending cultivation which, if I remember rightly, now amounts in the Bombay Presidency to over one million £ per annum.

Compare these results, effected by the exertions of the peasantry themselves, with the results of sales in this Division under the Waste Land Rules to speculators in land, as reported by my predecessor in para. 69 of last year's Revenue Report.

\* This difficulty has, I believe, been evaded in the revision of Settlements in the North-Western Provinces by the reduction of the Government share of assets from 70 to 51 per cent. But this, of course, will not be practicable on a revision of the Chánda Settlement.

prospective, of those with whom the Settlement has been made (for reasons stated in paras. 28, 29 above).

38. (a.) The rights of rayats.

By the Settlement the cultivators of the khālsa portion of Chānda (exclusive of plot proprietors, and Rayats' rights. of service holders) have been divided into

three classes,—

1.—Absolute occupancy rayats (*vide* para. 371 of Settlement Report). These number 9,124, holding 205,151 acres, and paying an average rent of Re. 0-8-4 per acre.

2.—Conditional occupancy rayats, holding under Sections 6 and 17 of Act X. of 1859 (para. 372). They number 3,663, and hold 82,801 acres, at an average rent rate of Re. 0-9-3.

3.—Tenants-at-will, numbering 21,879, and paying an average rent rate of Re. 0-8-8.

Two classes of cultivators under proposed modified Settlement.

39. I propose to divide all these cultivators under two classes only :—

1.—*Rayats at fixed rates*, who will be those already declared to be absolute occupancy rayats, and whose rights, with an exception to be noted below, para. 47, will be identical with those already declared.

2.—All other cultivators to be called *rayats at conditional rates*. Their tenure will be identical with that of the first class, except that with certain limitations their rents will be liable to enhancement.

40. It will thus be seen that my proposals are founded on the principles suggested in para. 17 rather than on those of para. 18 of the Government of India letter. My objections to the latter principles are as follow :—

First, the inequality of incidence of the present rent rates (*vide* para. 42 below). Next (in my judgment a most serious objection) that the class of tenants-at-will would still exist, and that it would have a constant tendency to grow at the expense of the class of occupancy rayats,\* since the Malguzar would be able, on lands being thrown up for fallow, or in consequence of a bad season, to treat them as waste. Thirdly, that the distinction between old and new rayats is wholly artificial and unknown to the people. Granting (which I do not) that it is just or expedient to withhold from new settlers rights given to old inhabitants of a village or district, there

\* I would refer to a passage in Sir H. S. Maine's book "Village Communities." I have not the book at hand to refer to, but he points out the constant tendency of the rights of the recorded payer of revenue or superior holder to swallow up all subsidiary rights. This, I believe, has been already found to be the case in other parts of the Central Provinces: *vide* page vii of introduction to Administration Report for 1870-71.

is no immigration into Chánda, and tenants with less than 12 years' possession of their lands are usually as old residents as those with much longer possession. The prevalence of the custom of changing lands, and of giving long fallows is noticed in several paras. of the Settlement Report.\* And it was, and is the custom of the country (a custom similar to that of "miras" in the Deccan) that, unless a rayat formally resigned his land, he might reclaim it on his return, even if he had left the village. And, finally, unlimited power over waste brought into cultivation would give the Malguzar an indirect way of enhancing the rents of occupancy lands.†

41. I must now explain the reason for making the distinction proposed between the two classes of rayats, that the rents payable by the latter class may, under certain limitations, be enhanced. And this will reply to the question asked in para. 16 of the Government letter.

42. Bijoti or other rates of assessment have never been known in Chánda, nor indeed, so far as I can learn, in any part of this Division. Such rates have generally originated, I believe, in former Revenue Settlements, especially under Mohammadan rule, of which those of Todar Mul and of Malik Ambar are the most remarkable, and those Settlements have never extended to the Nágpur country. The assessment system under the Maráthás was that which in Khándesh and the Deccan is known as "Ookta," or field assessment. The cultivated and fallow lands of the village were divided into fields, each known by a different name, and on each field a lump sum was fixed. Its amount was regulated by a great variety of circumstances. In the first place, it depended much on the amount of the total village assessment. Villages held by an influential person were generally assessed much lower in proportion than other villages. Next, in apportioning the assessment upon different fields, some consideration was, of course, given to the area, quality, and situation of the land, but much also to the circumstances, position, caste, or influence of the cultivator. The inequality of incidence‡ was consequently very great. And this has been aggra-

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\* Vide particularly para. 218 of Settlement Report.

† I had an instance of this in a recent revenue suit. A rayat held five fields on absolute occupancy tenure, rented at Rs. 35, and two fields which he had recently brought into cultivation at Rs. 5. The Malguzar enhanced the rent of the latter two fields by Rs. 20. The rayat urged (which was true) that Rs. 25 was an exorbitant rent for those two fields alone, while, if he gave them up, he would spoil his holding, and lose the returns to the labor and cost he had expended in reclaiming them.

‡ In a rent law appeal from Bhandára it appeared that a conditional occupancy tenant, a Brahmin, was holding several fields at rents which represented rates of 6 or 9 pies per acre, though it was admitted that occupancy tenants in the same or neighbouring villages were paying from 12 annas to 1½ rupees for lands of equal value. Major Smith has just sent me a case from Chánda. A village of 2,318 acres has been assessed at a jama of Rs. 330. The maximum "assumed rent-rate" for the circle is 9 annas per acre, a cultivator holding 9 acres of middling land was recorded at Khewat as paying Rs. 14, Rs. 1-9-0 per acre. This year the Malguzar served the tenant with notice of enhancement to Rs. 60, or Rs. 6-9-0, per acre. On the rayat refusing, a Panch fixed the rent at Rs. 40. Major Smith has interfered; otherwise the cultivator would probably have emigrated to Berár.



vated since, in 1855, Colonel Elliott left the fixing of the rents, or assessments, entirely to the Malguzar. In a village with a weak or apathetic Malguzar rents are often wholly inadequate. When the Malguzar is a hard, energetic, grasping man, and the cultivators timid and yielding, rents have been pushed up to the utmost that the cultivators can pay.

43. Now it can hardly be said that the Settlement has fixed the payments of any cultivator by regular process of assessment. At "Khewat" the lump rent on each field was arranged between the cultivator and the Malguzar on the existing system, fallow fields being usually entered together with and included in the rent of the cultivated fields.\* But still there is a difference between the rents of fields held on absolute occupancy tenure and those of other fields. Rents of the latter lands were understood to be merely temporary. Those of the former were arranged between the tenant and the landlord with the knowledge that they were to remain unchanged for the term of the Settlement. And they were revised by the Settlement Officer (under instructions from the Settlement Commissioner) so as to make them average somewhat lower than the rents of non-occupancy fields.

44. It appears to me that, whether we consider the land assessment as a tax or as a rent, and whether it is received direct by Government or by a landlord, equality in its incidence is most important. But I am quite sure that this could be attained only by a regular process of survey, valuation, and assessment. Even supposing that the people desired equality of incidence (which they do not generally, since every Malguzar is inclined to favour one rayat at the expense of another, and every rayat would like his own rent to be lower than his neighbours), I am sure that they could not attain it so well as a trained agency could do. And I am certain that a regular detailed assessment would eventually prove beneficial, not only to the cultivators but to the Malguzars themselves.† The only reasons why I do not now recommend this measure for Chánda, are its cost, the time it would take, and the possibility of causing discontent among plot-owners and occupancy rayats whose rates might be raised. But I trust (para. 66 below) that it may be introduced on a revision of the Chánda Settlement.‡

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\* Consequently, there is a custom, which will be recorded in the village administration paper, that a tenant may not resign any portion of the area on which a lump rent has been recorded without resigning the whole. This is exactly the rule, sometimes so much objected to, of the Bombay Settlement, that a rayat may not resign a portion of a survey field.

† In Bombay a great number, perhaps the majority, of námdárs and Jáhírdárs have asked for the extension of the Survey system to their own villages.

‡ This is not the place to write an essay on a somewhat difficult point of political economy. But I should like to point out that we have been endeavouring to substitute for a system by which rents are fixed either by custom or by the will of Government, one by which they will be determined solely by competition,—a system which exists in its integrity in two countries only, Ireland and Bengal, and in both is condemned. We argue indeed as if farmers' rents in England were determined by competition, and so they are ultimately. But, in practice, it is not so. The English landlord does not put a farm up to auction; he has it valued, and offers it, at the

45. As I do not therefore recommend a detailed assessment, the difficulty immediately occurs that the rents of lands other than those held on absolute occupancy tenure are too unequal in their incidence, and often too inadequate to be fixed for the term of Settlement. But to leave enhancement of them entirely at the discretion of the Malguzar, would, of course, amount to denying to the rayats the fixity of tenure which it is our object to give them. And to leave it to the Deputy Commissioner to decide from time to time what is a fair rent, would be (as experience in administering Act X. of 1859 shows) to give him a laborious and difficult task with no principles to guide him. According to his individual views, one Deputy Commissioner would refuse all enhancement, another would enhance at the pleasure of the Malguzar.

46. I propose therefore to record in the village administration paper maximum rent rates for each quality of land (say "Awul," "Doyem," "Soyem," and "Kunisht"). These rates will be based on the Settlement "assumed rent-rates"\* for the circle to which the village belongs, but those rates will be carefully revised by Major Lucie Smith, by a comparison of the actual rent rates now paid in the circle (the principle being thus analogous to that laid down in Section 17, Act X. of 1859). In case of a dispute between the Mukádam and a "rayat at conditional rates" the Deputy Commissioner will ascertain, by the agency of a Pancháyat of cultivators and landholders, to what class the field in dispute belongs, all its circumstances, soil, situation, water-supply, &c., being of course taken into consideration. The maximum rate for the class determined by the Pancháyat will then be applied, and the rayat, as far as that field is concerned, will become a "rayat at fixed rates." The Mukádam will be required to report to the Tahsildár each instance in which he enhances existing rates, the fields on which enhancement is demanded, and the amount, in order that the Deputy Commissioner may be able to judge whether the rayats are treated fairly and understand their rights.

47. The exception alluded to at para. 39—1, above, is that I propose to restrict the right of all rayats, including the present absolute occupancy rayats, to sell their lands, and thus to render them not amenable to process of the Civil Court. The question is argued below (paras. 57—65) with regard to the proprietors of villages, and I will merely say here that fixity of tenure is quite a different thing from, and by no means involves, the right of alienation; and that even if the principles of the Berár Settlement had been adopted for Chánda, I should still have withheld for the term of the present Settlement at least, the right of

Restriction on right of rayats to alienate their land.

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rent ascertained by valuation, to a good tenant, just at the Deputy Commissioner does with a survey field in Berár. This observation has, I think, been made by Sir H. S. Maine in "Village Communities."

\* It will be seen (*vide* para. 33 above) that these rent rates average about double the assessment rates. The limit of enhancement fixed will therefore give the Mukádam half assets, and will not violate the principle of the Settlement.

alienation, on the ground that it is not desirable that people should be able to get rid of their property before they knew its value.

48. The question of the rights of rayats does not seem to me to present any particular difficulty. If Government can declare that a rayat with twelve years' possession shall have a right of occupancy, it can equally well declare that all rayats shall have rights of occupancy. And the Malguzars cannot complain of this, provided, of course, that a Malguzar shall now be permitted to resign his village if he thinks that the new arrangements are less favourable to him than the old. I do not think that this will often be the case. I have conversed with a great number of Malguzars, and I believe that, as stated in para. 373 of the Settlement Report, the great majority fully acknowledge the justice of the proposals now submitted, and know that they will not operate injuriously to them.

49. (b.) and (c.) But the question of the position and rights of the Malguzars themselves is a far more difficult one. It may be divided under four heads, all of which, however, are intimately connected,—

Position and rights of Malguzars under proposed scheme.

- 1.—The question of inheritance.
- 2.—That of partition.
- 3.—That of the Malguzar's official position and duties as head of his village.
- 4.—That of sale.

50. It will be seen from paras. 10 to 14 of this report that Pátelki rights in Chánda were originally personal; that the members of the Pátel's family could not claim a share either in the management of the village or in the emoluments of the office; and that the village was indivisible by sale or otherwise. The settlement in the other districts of this Division has entirely changed all this.\* Malguzari rights have been declared heritable according to the laws of Hindu inheritance, and saleable without restriction. Consequently, even when a village was conferred at settlement on a single proprietor, it is now often held by his three or four sons. If they cease to be an undivided family, they can claim partition under Act XIX. of 1863. Each, too, can sell his own share, or a fraction of his own share, as is done every day.† And partition proceeds so far that in a case I had the other day from Wardha, the village having been originally divided into four "Pattis" or separate shares, 48 persons claimed partition in one share. Partition, it must be remembered, does not mean partition of a home farm. The fields are held and cultivated by the rayats—some occupancy rayats, some tenants-at-will. Consequently, as it is generally impossible to arrange that

\* I am aware that the subject of this para. has been already discussed at length. But to refer to, and comment on, former correspondence would make this report far too long, and I therefore only give my own conclusions for what they are worth.

† I have just had a case in which sale, under decree of Court, of two-thirds of one sixty-fourth share in a village has been sanctioned by the Judicial Commissioner.

all the fields of a tenant shall go into the share of the same proprietor, it results that the cultivator has two or more landlords, each of whom, too, being probably an absentee, and caring nothing for the prosperity of the village, thinks only of screwing his minute rental, perhaps his sole income, up to the highest possible figure.\* Again, I have always been taught that (except in joint communities, when his place is filled by the village Pancháyat) the headman is an essential element in the Indian village community system. But in this Province, when the village is divided, or when the Malguzar is an absentee, there is no headman at all; the village wants its representative and manager. When "Lumberdárs" have been appointed, they have often been appointed one to each "Patti:" *vide* para. 223 of Mr. Rivett-Carnac's Wardha Settlement Report.

51. Now the Chánda Malguzars, at any rate, think all this wrong. I think I may say that all those  
 Feelings of Malguzars themselves. with whom I have conversed are unanimous on the following points :—

That a village divided into distinct shares, is a village ruined.

That the management of each estate should be solely vested in the hands of the head of its proprietary family.

That restriction should be placed on the right to alienate, on the grounds that by Hindu law and custom each man has only a life-interest in his landed property.

And on these views, it will be seen, I have based my proposals.

52. Major Lucie Smith is inclined to retain the old principle, and to make each village heritable by the  
 Inheritance. eldest son, or senior heir, alone of the grantee, giving sharers a right to claim maintenance only, as in the case of Zamindárs (*vide* Clauses III. and VIII. of Zamindari patent, at page 181 of Settlement Report). And if the object is, as stated by Mr. Bernard (para. 32 of his letter forwarding the Settlement Report) to maintain a "rural aristocracy," this view seems to me to be correct. A landed aristocracy can hardly exist, except under a law of primogeniture.

53. But, after much consideration, I have come to the conclusion that to adopt this principle would involve too wide a departure from the principles of the present Settlement. One of the promises to the Malguzars was that the rights conferred on them would be heritable—heritable, that is, according to the ordinary laws of inheritance; and, for the reasons stated in para. 28 above, I think the Malguzars have an equitable right to expect that this principle

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\* I would point out the essential difference, too often, I think, overlooked, between the sub-division of peasants' holdings, and the sub-division of landlords' rights. As population increases, holdings must be sub-divided, and the evils of this are neutralised, to some extent at least, by the higher and more careful farming of small holdings. But when rentals are sub-divided, each son of a landlord, with a smaller income, has the same position to keep up as his father had, and the consequent temptation to rack-rent his tenants is irresistible.

shall be maintained. I therefore propose that a right to share\* in the profits of the estate shall descend according to the ordinary rules of inheritance, but that this right shall not carry with it a right of partition, nor a right to interfere with the management of the village, which shall be solely in the hands of the officiating head of the family. This will render necessary an order of Government that the Partition Act (XIX. of 1863) is not applicable to Chánda.

54. When the officiating head, or Mukádam, is resident, he of course will be the Pátel, or village headman, and there will be no difficulty about the performance of a headman's duties. But the very difficult question of absenteeism now arises. It would seem from para. 24 (b) of the Foreign Secretary's letter (the principles suggested in which para. have, it will be seen, been followed in the main) that the Government of India contemplate obligatory residence, and this also is Major Lucie Smith's view. But I am unwilling to admit it, if any other arrangement fairly satisfactory as regards the interests of the villages can be made. Many of the absentee Malguzars (Rájá Janoji for instance) have estates in other districts and cannot reside on their estates in Chánda. And these are generally the persons who had the strongest claims, or, being non-resident, Major Smith would not have admitted their proprietary right originally.

55. Non-resident Malguzars are of two classes†—

1st.—Those who reside in the neighbourhood of their villages, usually in the same pargana, visit them occasionally, and manage them personally.  
 †Resident in their village, 368 Malguzars—368 villages.  
 Not resident in their village, but resident in the pargana, 340 Malguzars—591 villages.  
 Not resident in the pargana, 105 Malguzars—298 villages.  
 Many Malguzars have been entered twice over in this statement, as coming under more than one heading.

2nd.—Those who reside at a distance (often at Nágpur or even Benares) and manage their villages by means of a "Kámdár," usually some old Brahmin nominally paid Rs. 2 or Rs. 3 per mensem.

56. I propose that every village shall have a resident headman. If the Mukádam himself does not reside in the village, he must nominate some one of the cultivators to represent him as headman.‡ And this person should be styled "Pátel" according to the custom of the country, since I find that even the absentee Malguzar's paid "Kámdár" is usually called "Patel." When the non-resident Mukádam himself manages the village, the duty of the

\* On the question of the rights of sharers I would beg to refer to para. 23, Chapter IV., of Mr. Elliott's Hoshangabad Settlement Report, and to the Settlement Commissioner's remarks on it, para. 33 of his forwarding letter. I cannot but think that the rights of sharers should be authoritatively decided at Settlement, and not be left to subsequent decisions of Civil Courts, who have in reality nothing to guide them. In Chánda, succession will be reckoned from the person to whom the village was granted, unless the names of sharers at that time are entered on the sanad.

‡ In most villages there is now a leading cultivator whom the people call "Mahajan," who, though altogether unacknowledged, performs some of the duties of a headman.

Pátel will be simply to look after police, sanitary, and other arrangements, and to decide on the spot trifling disputes among the inhabitants. And his remuneration, a rent-free field, will consequently be honorary and almost nominal. But when the Mukádam does not himself conduct the general management, the Pátel must be his sole "Kámdár," and his remuneration will be larger accordingly. The office will be strictly personal, and will *ipso facto* determine on the Mukádam's coming into residence.

57. I now approach the exceedingly difficult subject of sales of land, whether, *first*, voluntary, or, *second*, compulsory under decree of Civil Court. And I would first notice that if voluntary transfers are permitted without restriction, it is useless to forbid compulsory sales, inasmuch as a creditor, by process of imprisonment, can almost always compel his debtor to transfer to him his estate.

58. I would refer the Chief Commissioner to the correspondence which accompanied your letter to Government of India, No. 741-90 of 14th April 1871. In this the general question has been so fully argued that I need not do more than state my concurrence with the greater portion of the views expressed by the late Officiating Judicial Commissioner, Mr. Melvill, and by other officers, especially my predecessor, Mr. Bernard.

59. But, whatever view of the general question may be taken, I would urge that in Chánda, as has, I think, been demonstrated in the earlier portion of this report, no saleable right in non-privileged tenures, whether of the Pátel, Malguzar, or Mukádam of a village, or of the actual cultivators of the soil, has hitherto existed. And it appears to me absolutely certain that Government may now, if it chooses, with perfect propriety and consistency, exclude the power of alienation from the gift of proprietary or of occupancy right. The right of property, I repeat, by no means involves the right of alienation. It would be absurd to argue that tenants in tail, who for centuries held the greater part of the lands of England, had no property in their estates. I am aware indeed that in England legislation has for many years past been directed to the object of removing restrictions on the alienation of land. But I would urge that it by no means follows that the same policy is beneficial in Chánda,—a province certainly many centuries behind England in point of enlightenment and civilization. I would point out one difference only between the two countries, but a most essential one. In England there is a constant interchange going on between the landowning and the mercantile or professional classes; the son of the country squire becomes a merchant or lawyer, the wealthy lawyer or merchant buys an estate. And, partly from the social position and political influence which the possession of land confers, partly from the love of the country and of agricultural pursuits which seems to be innate in the people, the ambition of the successful man in England is to acquire, to reside on, and to manage an estate; and his intelligence,

wealth, and energy probably make him a better landlord than the man from whom he buys it. But in this Division, perhaps in India generally, it is not so. Caste feeling and immemorial custom prevent any extensive interchange of classes. The landlord who has alienated his estate and his children sink into abject penury, embittered by the remembrance of the position and rights they have lost. The peasant proprietor who has lost his holding becomes a mere agricultural labourer, or a cottier tenant of a hard and grasping landlord; while the Marwari or Sāvkar who acquires the land would shrink with repugnance from the idea of abandoning the town life to which he is accustomed, and the round of petty gains which forms his daily interest and occupation, and of residing far from his friends and caste fellows in a remote village. He likes, indeed, the ownership of land well enough, but his notion is only to make what money he can out of it, to treat his tenants as he treats his debtors, as persons whom Providence and the Sarkār have delivered into his hands. Public opinion, except that of his own class, has no influence on him, and the opinion of his own class is that it is meritorious to make money, and that the methods by which it is made are amply atoned for by some act of showy liberality.

60. When I consider how vastly litigation is increasing in this Division; how generally a Malguzar or a rayat, as soon as he gets anything like a saleable right in his holding, uses it as security for a loan; and how commonly, under the operation of our Civil Courts, this results in his total ruin,\* I cannot but doubt the policy of making land, *for the first time*, saleable for debt. It cannot, I think, be questioned that the tendency of our system is to transfer the land from the agricultural to the non-agricultural classes. How far this tendency will proceed, is, of course, a matter of opinion. My own judgment is that it will proceed so far as to become a serious political danger. The facts stated in the next para. I think support this opinion.

61. It is worth considering to what extent the gift of proprietary right, which appears so vast a boon, has really benefited the classes on whom it has been conferred. Take, for instance, Bhandāra, a district in which the majority of Malguzars are the old hereditary Pátels. Prior to our rule these people had a right—some-what vague it is true and ill-defined, but real and highly prized—to the profits and dignities of the Pátel's office. Our Government has added to, or substituted for, these Pátelki rights a new right, that of absolute property in their villages. But as this right is liable, under ordinary law, for the debts of the owner, and as it is indissolubly connected with the old Pátelki rights, it has involved them also, for the first time, in that liability. The consequence is that

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\* An old Kunbi told me lately that he believes the cultivators to be worse off than in the time of the Maráthás. He allowed that the Government demand, and rents generally, have risen in nothing like the proportion of the rise of prices, and that life and property are far more secure than they were. But he said that every Malguzar and every rayat now borrows, and that the action of the Courts is to totally ruin debtors.

these people are now on the brink of losing all their rights, and of sinking into the condition of labourers ; nor do I see how they can be saved from this fate. I have lately made enquiries as to the debts of the Bhandára Malguzars. I think I am within the mark in stating that 90 per cent. of those in the parganas through which I have marched are very heavily in debt, and a very large proportion have decrees against them for at least 10 times the amount of their annual profits. One firm of Sávkárs alone (that of Hemraj) could, I am told, foreclose mortgages to-morrow on more than 70 villages in one Tahsili of Bhandára.\* The Malguzars, of course, are deeply discontented, and so are the rayats, who say that their Pátels can no longer assist them, and that they also are driven to the Sávkar.

62. It will, of course, be argued that, by making land not liable to process for debt, we preclude the owner from borrowing money for the improvement of his estate. But, first, for every rupee borrowed for improvements, I am sure that Rs. 10 are borrowed to waste in marriage ceremonies, or from sheer thriftlessness. And, next, the recent liberal takávi rules enable an owner to borrow from Government, on moderate interest, any sums *bonâ fide* for expenditure upon reasonable improvements.

63. It will also be urged that I have shown that a large proportion of Chánda villages are already in the hands of the non-agricultural classes, and that to permit transfer of these villages will make matters no worse than they are. This is true. But I do not propose to forbid transfers altogether, either of proprietor's or of rayat's rights. Transfers between cultivators, or from a non-agricultural to an agricultural family, will be freely permitted ; transfers to the non-agricultural classes will alone be prohibited ; and the existing state of things will therefore gradually be corrected, instead of being aggravated.

64. If it is asked how, in the face of Section 205 of the Civil Procedure Code, I propose to exempt land from attachment and sale in execution of a decree, I reply that rights granted by Government on certain conditions lapse if those conditions are not fulfilled. If one of the conditions is that the land shall not be transferred from the family of the grantee, save with the sanction of the Deputy Commissioner, a sale without that sanction will immediately entitle Government to resume possession of the land, and consequently it will have no saleable value under these circumstances. It is a similar clause in the Zamindári's patent which protects the Zamindari estates of Chánda from civil process.

65. It is, of course, impossible to prevent landowners from contracting debt, or to relieve them from the consequences of doing so. But we can limit their power of borrowing by making their land

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\* I do not think this state of things is confined to Bhandára or to this Division. Mr. Ahfad Hussain, Extra-Assistant Commissioner, tells me that he knows a fine estate in Hoshangabad, with a profit of Rs. 6,000 per annum. The Malguzar, in five years, has incurred debts the interest on which amounts to Rs. 7,000 per annum.



not available as security for loans. And if my proposals are approved, the following will, I think, be the result, as far as the Malguzars, or persons holding Mukádami rights\*, are concerned. No village, or share of a village, will be saleable in execution of a decree. Nor can it be managed on behalf of the creditor, under Section 243, nor temporarily alienated, under Section 244 of the Code of Civil Procedure. But the annual profits of the estate, with the exception of the special remuneration of the officiating Mukádam or of the headman, or any sharer's share in those profits, may of course be attached by the Court in satisfaction of a decree. It will then be the duty of the manager to pay such annual profits, or share of profits, into Court, or to such person as the Court may direct to receive them, for such period as the Court may direct.

66. With reference to the remaining principle (noted (d) in para. 37 above) I have so drafted the rule as to reserve to Government the power, on a revision of the Settlement, of fixing the payments of every cultivator by regular process of assessment, should it then be deemed desirable to do so.

67. I propose that regular Pandias or Patwaris be appointed to circles of villages on what I understand to be the Upper India system,—that is, that they will be appointed and removed only with the sanction of the Deputy Commissioner, and paid a fixed sum (charged to *Gaon Kharch* as at present) through the Tahsildár.

68. From the enquiries I have made, it appears that real hereditary village accountants, like the Kulkarnis of the Deccan, have never existed in Chánda. But under the Maráthás the Pandia was one of the village servants, or servants of the community, instead of being, as he now commonly is, a man temporarily hired by the Malguzar to prepare the annual village papers.

69. I will not enlarge upon the necessity for the regular maintenance of this office in order to record and preserve rights subsidiary to those of the Mukádams, inasmuch as it has been stated more forcibly than I can state it, in Mr. G. Campbell's Minute of March 30th, 1868 (quoted in your letter to Government of India, No. 1524-148 of 18th July 1871). But I would add two or three minor arguments. In the first place, it seems to me very necessary that the village papers shall, for statistical and other purposes, be more trustworthy than they now are. Our annual Revenue reports should show, with at least a fair approach to accuracy, the increase and decrease of culti-

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\* There is a slight difference of opinion between myself and Major Lucie Smith regarding the nomenclature of rights in non-privileged village tenures. I should prefer to call the tenure "Malguzari" as at present—Malguzar meaning simply revenue-payer; the officiating Malguzar "Mukádam"; and the village headman, not a member of the Malguzari family, "Pátel." This nomenclature would, I think, be the clearest. But Major Smith would call the tenure "Mukádami," urging that there is an advantage in giving to Chánda village-holders a designation different from that used in districts where an unmodified Malguzari system prevails. The point is of no great consequence, and I have adopted Major Smith's view.

vation, enhancement or falling off in assets, the areas of different crops and other particulars ; and this will be of immense importance on the approach of a revision of Settlement. Secondly, the sharers in a village have a right to claim that regular accounts shall be kept, showing the annual profits in which they own shares. Partition is now usually claimed, simply because the sharers think they are being cheated by Lumberdár. Thirdly, it is of great consequence that there shall be for each village some person who is capable of explaining the Settlement records, whether to a Government officer or to the proprietors and rayats. At present, one goes into a village and finds no one who can read the administration paper, can point out a field on the "Khasreh" map, can state what its recorded rental or its area is, or can show which is the "Mukádami Waiti" or home farm. And, lastly, our Tahsil establishments are now so short-handed that half the work is done by "Oomedwars" occasionally paid something for job work,—in my opinion a very bad system. If we have a regular body of Pandias, the Tahsildar will be able to utilise their services when they are not actually employed in their villages.

70. If my proposals are generally approved, it will be necessary to notify that the Rent Law (Acts X. of 1859 and XIV. of 1863,) and the Partition Act, XIX. of 1863, are not applicable to Chánda.

Certain Acts not applicable to Chánda under modified system of Settlement.

71. I have now, I hope, sufficiently explained the nature of my proposals and the reasons for them, to render intelligible the following scheme. Some of the more important of these rules, it will be seen, are entered in the sanad ; others are incorporated in the village administration paper.

Proposed scheme for modifications of Settlement.

## Rules for the Administration of the Settlement of Villages on Mukadami tenure in Chanda.

### SECTION I.—TENURE.

(a).—The village shall be indivisible.

(b).—Shall not be liable to sale, attachment, or mortgage, and shall be alienable only if the whole right and obligation held under the original sanad be transferred, and with the sanction of the Deputy Commissioner.\*

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\* The rule, by which the Deputy Commissioner will be guided regarding transfers, will be that transfers from an unprosperous family to another cultivating family belonging to the village is generally unobjectionable, and often desirable ; but that transfers to others, especially to persons both non-resident and non-agricultural, should not be permitted. This rule is not to prevent one sharer from buying out another sharer, nor when the same family holds several villages, to prevent the sharers from dividing the property among themselves, allotting entire villages to different sharers.

(c).—Shall be held on conditions of—

I.—Loyalty.

II.—Punctual payment of assessed revenue.

III.—Maintenance and cultivation.

IV.—Obedience to rules from time to time laid down for police administration.

## SECTION II.—SUCCESSION.

(a).—Subject to the rules contained in Section I., III., and IV., regarding tenure, management and subordinate rights, succession to the village shall be regulated by the laws of inheritance of the tribe or race to which the proprietors belong, provided that no person can claim to inherit, save in right of the person, or of one of the persons, whose names are entered in the sanad.

(b).—Inheritance of a share in the village, or of a corresponding right to enjoy a proportionate share of its annual profits, shall not carry with it a right to share in, or to interference with its management.\*

## SECTION III.—MANAGEMENT.

(a).—The village shall be represented, as regards Government and the rayats, by the officiating head of its proprietary family, whose title shall be "Mukádam".†

(b).—The senior representative (Wadil Waras) or natural head of the family, if in the opinion of the Deputy Commissioner fit for the office, and if not formally objected to by a majority of the sharers for reasons allowed by the Deputy Commissioner, shall be Mukádam. If for the above reasons he is not appointed, or is removed under Rule (a) of this section, the sharer next in seniority, who may be fit, shall be appointed.

(c).—When several villages are held by the same family, the Deputy Commissioner, with the consent of the body of sharers, may appoint different sharers, not being the senior representative, to be Mukádams of each or any of such villages, provided that each sharer so appointed shall reside in the village of which he is Mukádam, and solely conduct its management.

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\* If sharers are dissatisfied with the management, their remedy will be to petition for the appointment of another Mukádam, under Section III, Rule (d).

† In the few cases in which distinct families have been granted shares in the same village, the Deputy Commissioner must select the Mukádam from one or the other family.

- (d).—For gross misconduct of any kind ; for neglect or bad management of the village ; or on reasonable complaint from the other sharers, the Deputy Commissioner, after enquiry recorded in writing, may remove any Mukádam, and appoint another under rule (b) of this section. Such order to be appealable to the Commissioner.
- (e).—The remuneration of the Mukádam shall be one anna in the rupee on the annual net profits of the village in addition to his own hereditary share. Provided that his total emoluments, inclusive of both hereditary share and special remuneration, shall not be less than one-fourth of such net profits. In such case the rate of special remuneration shall be raised above one anna in the rupee, so that the total emoluments of the Mukádam shall not be less than one-fourth the net profits.\* The emoluments of the Mukádam, not exceeding one-fourth the net profits, shall be considered his official remuneration, and shall not be liable to attachment.
- (f).—Mukádams will be of three classes.† :—
- A.—Resident and managing.
  - B.—Managing but not resident
  - C.—Neither managing nor resident.
- (a).—The duties of a Mukádam of Class A are as follow :—
- 1.—To collect the assets of the village, including revenue paid by plot proprietors, rents of cultivated lands, income arising from jungle products, &c.
  - 2.—To pay punctually the instalments of Government Revenue with cesses.
  - 3.—To prepare, with the aid of the Pandia, the annual village papers.
  - 4.—To distribute to the different sharers in the estate their several shares of the net annual income,‡ keeping for this purpose an account which may be inspected by any sharer who desires to do so.
  - 5.—To make the usual advances of seed grain, &c., to the rayats.
  - 6.—To determine on and carry out improvements to the village at the general expense of the estate.
  - 7.—To give information of offences ; to aid the police ; to detain criminals ; to settle trifling disputes among the

\* The rate of official remuneration has been fixed on, after consulting a great number of Malguzars, as it is generally considered fair.

† The same Mukádam may belong to Class A, as regards the village in which he resides ; to B, as regards other villages in the same pargana ; to C, as regards villages in distant parganas.

‡ Net annual income is gross income after deducting, 1st, Government Revenue and cesses ; 2nd, village expenses (Gaon Kharch), including Pandia's and Pátel's pay and official remuneration of Mukádam.

inhabitants of the village; to keep order; and to act generally as the village headman.

- (h).—When the Mukádam does not actually and permanently reside in the village, but resides sufficiently near to personally conduct its general management,\* his duties will be as in the last rule, with the exception of those noted in Clause 7 of that rule.
- (i).—When the Mukádam does not permanently reside so near the village as to be able to manage it personally with efficiency, his only duty will be that noted in Clause 4 of Rule (g) above.
- (j).—When the Mukádam belongs to classes B or C (Rule (f)) he shall be required to nominate, subject to the sanction of the Deputy Commissioner, a person from among the leading cultivators of the village as “Pátel” or village headman, to be his agent, and to perform such duties as his non-residence prevents him from himself performing.
- (k).—The remuneration of the Pátel will be strictly service remuneration. And his position will be strictly a personal one. As a rule, however, a Pátel will retain his office for life, and a son, if fit, will succeed his father. The duties will, *ipso facto*, cease and the emoluments lapse to the estate, on the service being no longer required, as by the Mukádam coming to reside on the estate. And the Deputy Commissioner may remove the Pátel for misconduct at any time and call on the Mukádam to appoint another.
- (l).—The duties and remuneration of the Pátel will vary according to the class of the Mukádam.
- (m).—If the Mukádam is of Class B, the Pátel’s only duties will be those defined in Rule (g), clause 7. His remuneration will be exemption from rent of one or two of his fields.†
- (n).—If the Mukádam is of Class C, the Pátel will be his sole agent, and will perform all the duties defined in Rule (g), except those in classes 4 and 6. With respect to these clauses, the Pátel must account and pay to the Mukádam the net annual profits of the estate, and must obtain the consent of the Mukádam before undertaking improvements at the cost of the estate. His remuneration will be in cash, from 10 to 20 per cent. on the jama, at the discretion of the Deputy Commissioner.
- (o).—No Mukádam shall have any “Kámdár” or agent in his village, except the Pátel.
- (p).—Every Mukádam shall contribute a sum, fixed by the Deputy Commissioner,‡ towards the remuneration of the “Pandia” of the circle to which the village belongs.

\* The usual rule will be that he must reside in the pargana.

† Usually rented at Rs. 5 to 10, at the discretion of the Deputy Commissioner.

‡ This sum will usually be from 3 to 5 per cent. on the jama.

## SECTION IV.—SUBSIDIARY RIGHTS.

(a).—Holders and cultivators of lands subordinate to the proprietors of a village are divided into four classes:—

- 1.—Persons recorded by the Settlement as *plot proprietors*, who have the same rights in their holdings as the proprietors have in the whole village. They can be ejected only for arrears of revenue. And the Mukádam may levy from them only the Government revenue assessed on their lands, with any “Huqul Tahsil” which may have been fixed by the Settlement.
- 2.—*Holders of service grants*.—The rights and duties of these persons are as recorded in the village administration paper.\*
- 3.—*Rayats at fixed rates* are those persons who have been recorded at Settlement as absolute occupancy rayats.

The tenure of the rayat at fixed rates shall be heritable. It shall not be liable to sale or mortgage, and generally shall not be transferable, save to a member of the cultivating body. But in special cases this rule may be modified by the Deputy Commissioner. He can lease or otherwise temporarily provide for the management of his land without reference to the Mukádam. He shall not be liable to ejectment, save in execution of an unsatisfied decree for arrears of rent. He cannot resign (except by permission of the Mukádam) any portion of the area on which a lump rent has been recorded in the papers without resigning the whole of such area. If he does not give formal notice of resignation before the “Margsal,” or commencement of the agricultural year, he shall be liable to the rent for that year. If he abandons his land, and does not return and pay rent before the date of the second instalment of revenue, he loses all right to that land. His rent shall be due one month before the date of realisation of the Government demand, and if he does not pay it, the Collector, on application of the Mukádam, shall proceed against him as for arrears of revenue. His rent to the period of Settlement shall be that recorded in the Settlement papers, and shall not be liable to enhancement during the term of the Settlement. On expiry of each Settlement the rent may be revised only by, or under the supervision of, the Settlement Officer, and having been so revised, will remain without enhancement for the term of each successive Settlement. Each rayat will receive from the Mukádam a “Pottah”, or receipt book,† in which the fields he holds, their rent, and the payments he makes on account of rent will be recorded annually.

- 4.—All other cultivators will be called “*Rayats at conditional rates*.” The conditions of their tenure will differ in no

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\* A separate memo. on these two classes will follow.

† Section 2, Act X. of 1859.

respect from that of the preceding class, except that the Mukádam may, during the currency of the Settlement, enhance their rents up to, but not beyond, the rates recorded in the village administration paper as fair and reasonable rates for each description of land.

- (b).—The above rules do not refer to lands in the hereditary occupation of the proprietors themselves, which have been entered in the Settlement records as “*Waiti Mukádami*,” or home farm. Such lands shall be at the absolute disposal of the proprietors, and may be divided among them according to custom or the law of inheritance. Nor do the above rules refer to lands sublet by a rayat.\*
- (c).—The Mukádam shall be bound to give out for cultivation in convenient fields to rayat applying for them the arable waste lands of the village, at such rent-rates as may be agreed on, not to exceed the rates recorded in the village administration paper as fair and reasonable rates. But should the Mukádam consider that the giving out for cultivation of any waste land will be injurious to the revenues or to the common interests of the village, he may refuse to do so, subject to the ultimate decision of the Deputy Commissioner.
- (d).—Cultivators taking up waste land at rates agreed on with the Mukádam, being less than the rates recorded in the administration paper, shall, as far as such lands are concerned, be considered “rayats at conditional rates.”
- (e).—In villages in which it is the custom for the Mukádam to take possession,† for one year, of any field occupied by a rayat for the purpose of growing sugarcane, such right shall remain in force, notwithstanding anything to the contrary in the preceding rules, subject to the conditions regarding compensation, &c., recorded in the village administration paper.
- (f).—The Mukádam must submit annually with the other village papers, a paper called “*Kham Jasti*” paper, showing all changes in occupancy, alterations in rent, and similar changes.
- (g).—In case the Mukádam should, solely at the expense of the estate, increase the productive powers of any lands occupied by rayats at fixed or at conditional rates, as by the construction of a tank, he may call on the Deputy Commissioner to revise the rent rates of such lands. And the Deputy Commissioner may, former clauses in this section notwithstanding, revise the rents accordingly, with the

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\* Section 6, Act X ,

† This is an old custom, arising from the fact that certain fields only are irrigable perennially from the tank. The Mukádam in fact allots annually a certain area of land in one place for sugar, and himself plants some of it, giving the rest to different rayats. The rule is necessary for the encouragement of sugar cultivation.

aid of a Pancháyat or otherwise. Provided that the revised rent rates shall not exceed those in force in the pargana for lands of value similar to that of the improved lands. Such revision of rates having been effected, all the tenants shall have the position of "rayats at fixed rates."

(h).—At each successive revision of Settlement, the Settlement Officer shall be competent to fix the rent rates of any cultivator, and thus to transfer him to the class of "rayats at fixed rates."

(j).—The Mukádam shall not, on any pretext, levy from his rayats any duc, cess, or other impost not authorised by the administration paper. Any attempt to levy such illegal cess may be punished by the removal of the Mukádam under Section III, Rule (d), or, if so ordered by the Local Government after due enquiry, by forfeiture of the village.

Subject to the above rules, the proprietary right in the village, and all profits derived from its management, will be by the sanad conferred on the Mukádam and other sharers named in the sanad and their heirs in perpetuity. Provided that they or their representatives, on the expiry of the term of Settlement, agree to the revised Government assessment as then fixed.

72. There are, I think, only one or two points in the Foreign Secretary's letter which have not been replied to.

With reference to para. 22, it will be seen that I do not propose to make any alteration in the jamás payable by the Mukádams. And I would beg that the local rates also may be left as at present.

Present system of local rates not to be altered.

There is no reason, as far as I can see, in favour of our system of fixing the Imperial revenue for the term of a Settlement which does not equally apply to local rates. And I am sure that to permit variations during the Settlement in the amount of local rates will cause suspicion and discontent. With reference to para. 25, you will

Stipulations regarding pre-emption unnecessary.

observe that, if my proposals are approved, no stipulation regarding pre-emption will be necessary. With reference to para. 28, the enquiries I have made have led me to the conclusion that the dates of the instalments of revenue may be postponed with advantage,

Change of date of payment of revenue instalments.

especially on account of the dates of the two great fairs, Bhandak and Chánda, at which much agricultural produce is sold. I think, however, that to fix the instalments a month later than at present, *i. e.*, on the 15th February and 15th May, will be sufficient.

On para. 29 I would explain that there is some difficulty regarding the site of the head-quarters of the proposed East Chánda Sub-division, Garebiroli, the place recommended by Mr. Bernard,

Head-quarters of sub-division not yet decided.



being now objected to by Major Lucie Smith, on the score of unhealthiness. A separate report on this subject will be submitted shortly.

With regard to para. 31, Government will be glad to learn that much progress is now being made in the repair of tanks, either by the people themselves, aided by the grants of takávi, or in some cases under the immediate supervision of the Deputy Commissioner. In reply to para. 11 of the Foreign Secretary's letter, Major Lucie Smith has asked me to submit the following explanation :—

Repair of tanks progressing favourably.

Major Smith's explanation on para. 11 of Government letter.

"The principles of Settlement laid down had been followed in all the other districts of the Division, and I was without hope of obtaining any fundamental change for Chánda. All that I could do was to strive for such modifications as were practically possible, and one of these was permission from the Chief Commissioner to review proprietary right decisions in which the person granted proprietary right was an absentee, had done nothing for the village, cultivated no land there, and had held under twenty years; and under this permission were carried out the measures described in Clause III., para. 296 of the Settlement Report. But even in these cases my orders were frequently reversed by the Commissioner. It seemed, then, to me that the only chance which existed for abating the evils I deplored, was to set forth the whole case in detail when submitting the final report, and to ask then for such modifications as were not inconsistent with the principles prescribed."

And I would beg to add the following remarks with reference to paras. 9 and 10 of the Government letter. Such proprietary rights in the soil as in any legal sense existed prior to the Settlement have been most strictly guarded by this and by other Settlements. No man can, I think, complain that any legal right which he had prior to the Settlement has been taken from him. Power of ejectment of a cultivator, for instance, was by the Settlement transferred from Government to the Malguzar. But the cultivator cannot say that he actually lost any right by this transfer, inasmuch as he cannot deny that Government had an absolute right of ejecting him at pleasure. But I say that the tendency of the old system, under which proprietary right strictly so called was unknown, was to develop into the proprietary right of the many rather than into that of the few. I cannot but regret that this tendency has been wrenched in the opposite direction; that the opportunity was lost for regulating proprietary rights in the land of Chánda in accordance with what I believe to be the best teachings of economic science. And, knowing as I do the principles and effects of a Rayatwari Settlement, had it fallen to my lot to introduce the Chánda Settlement, I should have thought it my duty to protest against the system adopted. But I would respectfully represent that Major Lucie Smith can hardly be blamed

for not having, at the commencement of his work as a Settlement Officer, raised objections to a system which was the only one of which he had personal experience, and which had been formally approved by Government for the rest of the Division.

73. I have omitted to ask for orders on one point. There are a few villages, about 24, in which proprietary right has not been conferred on any person. And it is probable that a few more villages will now be resigned by their Mukádams in consequence of the modifications to be made in the terms on which they were originally agreed for. I would beg that such villagers may be settled Rayatwari on the Berár system, with a liberal percentage on the revenue as remuneration of a resident and cultivating Pátel. The cost of this will not be great, as the present maps and records can in great measure serve as the basis of a Rayatwari assessment and Settlement. Major Elphinstone's parties are now commencing work in the Woon district of Berár, just across the Wardha, and, the greater portion of the Berár Settlement having now been completed, he will, I think, be able to spare a few men and an officer without inconvenience. I am sure that the experience gained by the trial of the Berár system in even a few villages of Chánda will be most useful, especially when the question (*vide* para. 66 above) of the system of assessment to be adopted on a revision of Settlement comes to be discussed.

74. I am aware that the proposals now submitted (as must be the case with a compromise between conflicting systems) are open to many objections, especially as regards the power left in the hands of the Deputy Commissioner, of whose judgment and discretion we cannot always be certain. And it is possible that the Chief Commissioner and the Government of India may think that I have not gone far enough, as I certainly have not gone so far as appears to be contemplated in the Foreign Secretary's letter.

75. If this view is taken, I would venture to recommend that the Government of India now declare that the reported Chánda Settlement is wrong in principle and cannot be sanctioned; and that a Settlement on the Berár principle shall now be substituted for it, Pátelki rights with a liberal\* percentage on the revenue being granted to those who have been declared proprietors by the present Settlement. This measure would, of course, cause a certain amount of discontent. But many of

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\* An objection frequently and not unjustly urged against Bombay Settlements is that the emoluments of the Pátels are insufficient, and I have always held this opinion myself. But the amount of the Pátelki watan is no essential part of the Settlement, and it might be fixed at 20 just as well as at 5 per cent. on the revenue. Special causes led to a very low rate of Pátel's remuneration being decided on at the original introduction of the Bombay Survey Settlements. The depressed state of the country about 1840 made it requisite to pitch assessments so low that it was thought necessary to show as large a *net* revenue as possible. And over-assessments had so completely swallowed up the profits of Pátels, both under the Maráthas and in the early years of British rule, that they were glad to get any fixed remuneration, however small.

the present Malguzars would, I believe, really prefer enlarged Pátelki rights to proprietary rights with their consequent liabilities. And in special cases of those Malguzars (Rájá Janoji for instance) whose rank and position are such as to make the office of village Pátel hardly compatible with their dignity, the villages might be transferred to the class of "Mukta" villages. The tenure would then resemble that of the "Inámdárs," "Jaghírdárs," or "Oodhar Jamábandi" holders of the Bombay Presidency, who administer their villages on the survey system and pay to Government a quit-rent fixed, in this case, for the term of the Settlement.

76. The cost of this measure, though considerable, would not be excessive. And as the Berár Settlement is nearly finished, Major Elphinstone's Survey could take up Chánda as establishments are relieved from their work in Berár.—I have, &c.

## APPENDIX.

(Specimens of village leases during 2nd period of Marátha rule, referred to in para. 17 of Report.)

(TRANSLATION.)

### Agreement

To the Government of SHRIMANT MAHARAJ RAJESHRI SAHIB, from his obedient Servant GUNAJI PATEL KUCHANKAR, MUKADAM of MAUZA TELWASA, Village 1, Pargana BANDUK KHATORA, Prunt CHANDRAPUR.

Sar Sant 1258 year.

I have written this agreement to the effect that I have accepted the Mukádami of the above-named willage of my own free will, according to the Thirao paper detailed below :—

According to Lagwan.

						Rs.	a.	p.	Rs.	a.	p.
Kali	...	...	...	...	...	244	8	0			
Sewai	...	...	...	...	...	41	0	0			
									285	8	0
On account of collections found by Tankhi—											
Kali	...	...	...	...	...						
Sewai	...	...	...	...	...	1	0	0			
									1	0	0
									286	8	0
Total ...											
Add on account of increase from waste, &c.											
									27	0	0
									313	8	0

## DETAILS.

						Rs.	s.	p.
On account of Kali	...	...	...	...	...	271	8	0
„ Sewai	...	...	...	...	...	42	0	0
Total						313	8	0

## DEDUCT.

On account of village expenses	...	...	7	0	0			
Inam of Mukádam	...	...	28	0	0			
						35	0	0
Balance Government demand						278	8	0

## DETAILS.

According to last year, Rs. 302, and deducting decrease of								
Rs. 23-8-0	...	...	...	...	...	278	8	0
Increase	...	...	...	...	...			
						278	8	0
Add Nazar Gulal Chhari	...	...	...	...	...	1	8	0
						280	0	0

## DETAILS.

						Rs.
San 1259 year	...	...	...	...	...	280
San 1260 year	...	...	...	...	...	280
San 1261 year	...	...	...	...	...	280

I agree of my own free will to pay the above-mentioned Rs. 280 into the treasury by the instalments fixed for the pargana. I will render the detailed village papers from year to year. I will administer the village and trees, &c., according to ancient custom. I will not raise the rates of the rayats, and I will bring the waste land under cultivation. I will arrange that on the expiry of the lease the present assets shall exist. This agreement is correct. Written by Ganesh Damodar, Sir Mukádam of the above-named pargana. Dated 14th month of Rubi-ul-awal.

Mark of Witto Pátel Kunchankar, son of the above-named.

## (TRANSLATION.)

*Agreement.*

*To the Government of SHRIMANT MAHARAJ RAJESHRI SENA SAHIB SUBHA SANSTHAN CHANDRAPUR, from his obedient KALU MEHAR GANLI, Mukádam of Mauza GILGAON of the said pargana.*

*Suma San 1260 year.*

I have written this agreement for future years to the effect that of my own free will I have accepted the Mukádami of the above-named village according to the Kali, Pandri, &c., entered in the Thirao papers, as detailed below :—

*According to Lagwan.*

						Rs.	a.	p.	Rs.	a.	p.
Kali	...	...	...	...	...	196	9	0			
Sewai	...	...	...	...	...	35	14	0			
									232	7	0

*Collections (Extra).*

Kali	...	...	...	...	.....						
Sewai	...	...	...	...	.....						
									232	7	0
									40	12	0
									273	3	0

Add on account of Kali from increase in Kali	...	...	...	...	...						
									40	12	0
									273	3	0

## DEDUCT.

Village expenses...	...	...	...	...	...	6	0	0			
Inám	...	...	...	...	...	23	0	0			
									29	0	0

Balance Government demand	...	...	...	...	...				244	3	0
---------------------------	-----	-----	-----	-----	-----	--	--	--	-----	---	---

## DETAILS.

According to last year, Rs. 244-3-0, from which nothing has to be deducted as decrease	...	...	...	...	...				244	3	0
Increase	...	...	...	...	...						
									244	3	0
Nazar Gulal Chhari	...	...	...	...	...				1	8	0
									245	11	0

I will pay into the treasury of the above-named thána the before-mentioned sum, namely, rupees two hundred and forty-five and annas eleven, annually for three years, from San 1261 to San 1263, according to agreement, and at the exact date fixed for the instalments of the year. I will render detailed village papers to Government, I will not raise the rates of the rayats, and I will bring waste land under cultivation. I will administer the mango and other trees of the village according to custom. In future (*i. e.*, on the expiry of the lease) the assets shall be as shown in the present lease. This agreement is correct. Written by Vinayak Jairam. Dated 7th Shudh Chaitra.

(Signed) MADHO MEHAR GANLI,

*In the handwriting of Balaram Kusri  
employed by the above-named.*

(TRANSLATION.)

*Agreement.*

*To the Government SANSTHAN CHANDRAPUR, from RAJLINGA KASKATI MUKADAM of Manza KHAIRI, Pargana BRAHMAPURI and NAGBHIN, of the above-mentioned prant.*

*Sur San 1263 year.*

I have written this agreement to the effect that I have accepted of my own free will the Mukadami of the above-named village according to the Thirao paper, as detailed below :—

*According to Lagwan.*

	Rs. a. p.	Rs. a. p.
Kali ... ..	71 0 0	
Sewai ... ..	23 0 0	94 0 0
(Extra) collections as found by Tunkhi—		
Kali ... ..	1 8 0	
Sewai ... ..	1 0 0	2 8 0
Add for increase from cultivation of waste ... ..		96 8 0
		7 8 0
		104 0 0
DETAILS.		
On account of Kali ... ..		80 0 0
„ Sewai .. ..		24 0 0
		104 0 0
DEDUCT.		
Village expenses... ..	3 0 0	
Inam ... ..	10 0 0	13 0 0
Balance Government demand ... ..		91 0 0
According to last year ... ..	86 0 0	
Increase this year ... ..	5 0 0	91 0 0
Nazar Gulal Chhari ... ..		1 8 0
		92 8 0

I agree to the above for three years, namely from 1264 to 1266. I will administer the Kali, Pandri, &c., according to ancient custom. I will not raise the rates of the rayats, and I will bring waste land under cultivation. I will render to Government detailed village papers. I will pay the assessment into the treasury, according to the fixed instalments. I will maintain for future years (i. e. on expiry of the lease) the present assets. This agreement is correct. Written by Dhondraj Ganesh Ghorwaid.

(Signed) RAJLINGA KASKATI.

## (TRANSLATION.)

*Agreement.*

To the Government of SHRIMANT MAHARAJ RAJESHRI SAHIB, from his obedient Servant, CHIMNA PATEL MHALI, new MUKADAM of Mauza ANJANGAON, Pargana SEGAEON, Zila WARORA, Prant CHANDRAPUR.

San 1262 year.

I have written this agreement for future years, to the effect that of my own free will I have accepted the Mukadami of the aforesaid village according to the assessment entered in the Thirao paper, as detailed below :—

*According to Assets.**According to Lagwan.*

					Rs.	a.	p.	Rs.	a.	p.
Kali	...	...	...	...	96	8	0			
Sewai	...	...	...	...	61	2	0			
					<hr/>			157	10	0
(Extra) Collections	..		...	...	...			.....		
					<hr/>			157	10	0
Addition from increase on fallow or waste			...	...	...			.....		
					<hr/>			157	0	0
DETAILS.										
On account of Kali	...		...	...	...			96	8	0
„ Sewai	...		...	...	...			61	2	0
					<hr/>			157	10	0
DEDUCT.										
Village expenses	...		...	...	5	0	0			
Inám	..		...	...	17	2	0			
					<hr/>			22	2	0
					<hr/>			Balance	...	135 8 0
DETAILS.										
According to last year			...	...	...			120	0	0
Increase	...		...	...	...			15	8	0
					<hr/>			135	8	0
Nazar Gulal Chhari	...		...	...	...			1	8	0
					<hr/>			137	0	0
					<hr/>					

The above one hundred and thirty-seven rupees (I will pay) for five years, that is from San 1,263 to San 1,267. I will administer the village as to Kali, Pandri, &c., according to ancient custom. I will render detailed village papers to Government every year, I will not raise the rates of the rayats, and I will bring waste lands under cultivation. In future (*i. e.*, on the expiry of the lease) the assets shall be as entered at present. This agreement is correct. Written by Parshottam Gopal Deshpandia of pargana Worara. Dated 5th month Ramzan San 1263.

(Signed) CHIMNA PATEL MHALI,  
Mukadami of the aforesaid village.

In the handwriting of Sitaram Bulwant Deshpandia of the  
above pargana.

(TRANSLATION.)

*Agreement.*

To the Government of SHRIMANT MAHARAJ RAJESHRI SENA SAHIB SUBHA, Prant CHANDRA'PUR, from his obedient Servant IMAM KHAN, Mussulman, New Mukadam of Mauza MARWA, Pargana HAVELI of the aforesaid Prant.

I have written this agreement for future years to the effect that of my own free will I have accepted the Mukadami of the above named village according to the assets entered in the Thirao paper, as detailed below :—

*According to Lagwan.*

			Rs.	a.	p.
On account of Kali...	...	...	150	12	0
„ of Sewai	...	...	80	4	0
			<hr/>		
Add for waste to be brought under cultivation ...	...	...	519	0	0
			49	0	0
			<hr/>		
			640	0	0

DEDUCT.  
Village expenses.

On account of Salang Kotwal	...	...	9	0	0
Bhama	...	...	3	9	0
			<hr/>		
On account of religious festivals, warshasan, &c.	...	...	6	8	0
			<hr/>		
			18	8	0
Inam of Mukadam	...	...	88	0	0
			<hr/>		
			104	8	0
			<hr/>		
Balance payable to Government...	...	...	535	8	0

## DETAILS.

According to last year	...	...	...	...	525	6	0
Increase this year	...	...	...	...	10	2	0
					<hr/>		
					555	8	0

## NAZAR.

Gulal	...	...	...	...	1	0	0
Chhari	...	...	...	...	0	8	0
					<hr/>		
					1	8	0
					<hr/>		
					537	0	0

*Details according to years*

San 1251 year	...	...	...	...	537	0	0
San 1252 year	...	...	...	...	537	0	0

I will pay the above-named sum into the treasury annually for two years from San 1251 to San 1252 by the instalments fixed for the pargana, and will render to Government the detailed village papers. I will administer the Kali, Pandri, produce of trees, &c., according to ancient custom. I will not raise the rates of the rayats, and will bring waste lands under cultivation. I will arrange that on the expiry of the lease the assessment shall be equal to that now existing. This agreement is correct. Written by Krishnaji Yashwant Sakdeo. Dated 15th month of Rubi-ul-awal.



## SPECIMEN OF A SUMMARY SETTLEMENT LEASE.

*(Referred to in para. 21 of Report.)*

I, Gunpatrao Wyankatish Dikshit, Malguzar of Mauza Pom-bhurna Asli village 1 and 2 Majnis, total villages 3, Pargana Ghatkul, District Chānda, state that the above-named villages have been settled in my name by the English Government for an annual jama of Rs. 749-8-0, Government coin, as detailed below, for three years, from San 1271 to San 1273. I agree to pay the Malguzari jama according to instalments fixed by Government from harvest to harvest and from year to year without any excuse, such as accident, &c., and will never levy from anybody any sums (cesses) forbidden by Government, and explained to me at the time of Settlement, nor will I introduce in future any method of collecting any new cesses. I will keep the residents of the village contented, and will try my utmost to bring fallow lands under cultivation, so that the receipts will increase.

And I will report to the police and advise them in all matters in which it is necessary for the Malguzar to do so, according to custom, and when an offence is committed I will always assist them in arresting and tracing out offenders, in accordance with directions received from police officers.

Beside the Malguzari jama, I will pay on account of the road cess fixed by Government at the rate of one per cent. All the shareholders and sharers who have any interest in the villages from former times will be retained according to ancient custom. If any circumstances make me wish to lease the villages to anybody, I will do so after informing and procuring permission of the Government. This is all. Dated 26th April 1861 San 1271 Fasli.

Government demand.				Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Kali ..	...	...	...	558	0	0						
Pandri ..	...	...	...	186	0	0						
							744	0	0			
Road Fund ..	...	...	...				5	8	0			
										749	8	0
San 1272, Fasli ..	...	...	...				749	8	0			
San 1273, Fasli ..	...	...	...				749	8	0			

(Signed) GANPATRAO WYANKATESH DIKSHIT,

*Written by himself.*

Witness :

I Bali Ramchandra.

*(In Telugu.)*

*Statement of Malguzari Land Assessment of Pombhurna, Pargana  
Ghatkul, Tahsil Mul, Zila Chānda, San 1271 Fasli.*

No.	Name of Malguzar.	Average from San 1264 to 1268 Fasli.			San 1270 Fasli.	Add for the demand of the above said Thāna.	TOTAL FOR SAN 1270 YEAR.		DEDUCT.		Balance payable to Government.	Road fund.	Decrease.	Increase.
		Rajee Dewan (demand.)	Wasul (collections.)	Sadhnuk (assets.)			Demand.	Assets.	Inām of Malguzar.	Gaon Kharch (village expenses).				
15	Canpat Rao Dikshit.	Rs. 959	" 959	" 991	" 558	" 691	" 558	" 691	" 107-8-0	" 25-8-0	" 183	" 558	" 5-8-0	.....

**No. III.** *Letter from J. GREGG, Esq., Under Secretary to the Government of India, Department of Agriculture, Revenue and Commerce, to the CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—No. 1041, dated Simla, the 22nd October 1872.*

With reference to your Officiating Secretary's letter No. <sup>1339</sup>/<sub>87</sub>, dated the 17th May last, reporting on matters connected with the Land Revenue Settlement of the Chānda District, I am directed to enquire whether you wish to make any further remarks on the subject.—I have, &c.

**No. IV.** *Letter from J. W. NEILL, Esq., Officiating Secretary to the CHIEF COMMISSIONER, Central Provinces, to the SECRETARY TO THE GOVERNMENT OF INDIA, Department of Agriculture, Revenue and Commerce,—No. <sup>112</sup>/<sub>113</sub>, dated Nagpur, the 9th January 1873.*

In response to the invitation contained in your letter No. 1041, dated 22nd of October, Mr. Morris has instructed me to communicate his views on the matters connected with the Settlement of the Chānda District, discussed in Mr. Aitchison's letter No. 315 R., dated 7th September 1871, and this office letter No. 1789-101, dated 15th of May last, to which Mr. Pedder's full report on the Chānda Settlement was appended.

2. This discussion arose on the point whether the "Malguzars" of the Marátha and first Summary Settlements after the district came under British rule, should have been made or should now be confirmed as proprietors of their villages, and whether, in making them proprietors, injury had not been done to or would be done to the rayats.

3. It was inquired whether even now some arrangement might not be made for securing to the rayats fixity in their payments to the receiver of the Government Revenue or village headman, and whether the Government demand might not be assessed on the rayats, and a certain percentage on the Government Revenue be allowed to the village head or Malguzar for the trouble and responsibility of collection, and this question was, moreover, mixed up with the one concerning the safety of the Settlement, if proprietors of villages, supposing them to be created or recognized, were allowed to sub-divide their properties, and by splitting up the estate, avoid the performance of the duties incumbent on the village proprietor, depriving Government at the same time and by the same action of its security for the full revenue assessed on the village.

4. Mr. Pedder's report, which is now before Government, is so very full that it is only necessary to review his statements and proposals and at the same time to notice the conclusions arrived at by Colonel Keatinge on a consideration of this report and the recommendations that he made to Government. Mr. Morris desires to be as brief as possible, and he will endeavour to keep as close as possible to the practical question of the Settlement of Chánda and not enter into any argument regarding the comparative advantages of this or that mode of Settlement.

5. The earlier portion of Mr. Pedder's report is devoted to a discussion of the question "whether the real position and rights of those with whom the Settlement has been made were such as to necessitate on equitable considerations the adoption of the Malguzari system", and in order to show this he enters upon a description of the Pátel's position under the Maráthas, and appeals to Sir Richard Jenkins as a witness.

6. He proves that the Pátel's office was neither hereditary nor saleable, that he could only apportion the actual Government demand to each rayat's holding, that he could not oust any rayat, that he could take no more from any rayat than the amount assessed on his land, that he had to account to Government for every rupee he collected, and that as remuneration he was only allowed a certain percentage on his collections. He was accordingly, thinks Mr. Pedder, not entitled to be declared at the regular Settlement proprietor of the village.

7. Again, farmers of the Government Revenue other than Pátels, had no greater rights or powers than Pátels collecting the revenue and had therefore no more right than the Patel to be declared proprietors of villages. Mr. Morris is quite willing to admit all this, but all that it proves is that the persons who apportioned the Govern-

ment demand on villages under the Marátha rulers, or who farmed the villages under them as in the earlier years of our rule, could not claim to be made proprietors of the villages. But neither could any other class of men. The rayats could no more claim it than the Malguzars, Pátels or farmers, and it would have been quite competent to Government to have retained the proprietary right and not given it to any one. The Government, however, determined otherwise, and wishing to establish a class of landed proprietors fixed on the old farmers or Pátels for the purpose. Why they should have been chosen and not the rayats, or any class of them, is very evident: the former were few and no selection was required; the latter were many and a selection from them would have been necessary. With power to do exactly as it pleased, without incurring the charge of doing injustice to any one, the Government of India "desired that proprietary right in the soil might be conferred on the Malguzars so far as the measure could be carried out without prejudice to the rights of others, giving the proprietors thus created as large and as absolute a control over the property vested in them as is consistent with local usage and feeling." Vested interests and *bond fide* rights were to be respected, but otherwise every landholder was to receive "as nearly as possible a fee simple of his estate subject only to the payment of revenue to Government."

8. On this principle all the settlements of the Central Provinces were based. It was indeed originally proposed that the Malguzars, created proprietors, should not be permitted to alienate or sell their villages; but the Government of India was distinctly against any limitation of their proprietary rights, so long as the rights of others were not interfered with or the Government Revenue imperilled. In making a settlement on this wise, Government did wrong to no man, took from no one any right that he possessed, and violated no ancient custom. Proprietary rights in the soil were, however, conferred, a thing unknown previously, and in so far Government did change the constitution of landed tenures and resigned a portion of its rights in the soil in favour of a class of proprietors whom it had created. But it is not pretended that Government ignored or cancelled any actual rights possessed by any class of individuals previous to the regular settlement. Mr. Pedder himself in para. 72 of his report says: "No man can, I think, complain that any legal right which he had prior to the Settlement has been taken from him. Power of ejectment of a cultivator, for instance, was transferred from Government to the Malguzar. But the cultivator cannot say he actually lost any right by this transfer, inasmuch as he cannot deny that Government had an absolute right of ejecting him at pleasure. But I say that the tendency of the old system under which proprietary right, strictly so called, was unknown, was to develop into the proprietary right of the many rather than that of the few."

9. It is the policy and expediency of the Malguzari Settlement that is called in question, and it is too late now to re-open the discussion of a principle that was solemnly determined on 12 years ago. Mr.

Morris has himself doubts whether a Malguzari Settlement is the best suited to the districts of the old Nágpur Province; but since we have deliberately promised the Malguzars or farmers that proprietary rights in villages would be conferred on them, and they have for many years been allowed to stand confirmed in the belief that this promise would be fulfilled, Mr. Morris thinks it impossible to recede from the position, and it is clear that no more has been promised and no more has been given than the orders of Government laying down the principle of the Settlement justified.

10. It is not as if the Chief Commissioner and the Settlement Officer had gone beyond the instructions of Government and as if their action alone would have to be repudiated. If a Malguzari Settlement is not to be effected, Government must withdraw the word once passed. Anxious as both Mr. Pedder and Colonel Keatinge were to substitute a Rayatwari or some form of Rayatwari Settlement for the Malguzari system they have both felt compelled to admit that, in Colonel Keatinge's words, "the time has passed when it would have been possible to withdraw the proprietary rights granted to the Malguzars."

11. Concurring with them, Mr. Morris thinks it must be acknowledged that the Malguzari system must stand in Chánda, and that no change of the system on which the Settlement is to be effected is now possible. All that has been advocated either by Mr. Pedder or Colonel Keatinge is "to modify the existing system in detail." The modifications which are proposed, have for their object the protection of the rayat from arbitrary and excessive increase of the rent to be paid by him, and the protection of the proprietary agricultural class from the consequences of their own imprudence in the matter of contracting debts. Incidentally, also, the proposals made by Mr. Pedder endeavour to secure more effectually the proper performance of their duties by village proprietors, by insisting on every village having a resident manager.

12. But before passing to the proposals that have been made in the above sense, Mr. Morris wishes to say one word on the subject of the financial aspect of the existing Malguzari settlement compared with one on Rayatwari principles. It is admitted that a Malguzari Settlement must be made, and it is further admitted by Mr. Pedder that on this understanding the Chánda assessments are not too low. As it is, Government is for the present taking from the Malguzars more than half the village assets, as Mr. Pedder says,—

"Even adding the value of home farms, of jungle produce, &c., and the returns to prospective increase of cultivation, I do not think that the majority of Malguzars would under the present system make, for many years to come, profits equal to their Government jama."

13. The assessment, then, requires no revising in the interests of Government, while at the same time the Malguzars cannot complain of what has been left. They have received a large and valuable

property more than they could in any way claim, as is admitted by all; more than they should ever have got, as is contended by some.

14. Mr. Pedder estimates at Rs. 40,000 the immediate loss which Government sustain by having a Malguzari instead of a Rayatwari Settlement, besides which increased cultivation on waste land would always add to the Government revenue in Rayatwari settlements, while in Chánda it will until the expiry of the Settlement only increase the Malguzar's profits. The question of the advantages of the two kinds of Settlement cannot be discussed or determined on merely financial grounds. A certain price is paid for the supposed advantage that the existence of village proprietors gives, and in discussing the question of Chánda this must be allowed for. But Mr. Pedder considers that the permission granted to Malguzars to appropriate to themselves the rents of all waste land, which forms part of the Malguzari area, causes not only a loss during the Settlement, but will "make it difficult for Government to derive the full advantage which it should derive from revision of assessments at the expiry of the present Settlement." His illustration is that if the cultivation increases by 50 per cent., this alone would indicate a rise in the value of land which would justify an enhancement of the revenue on old cultivators up to 20 per cent., and a further increase of 60 per cent. on account of the Malguzar's profit from the new cultivation. So vast an enhancement could not, Mr. Pedder thinks, be made. Most probably not, and if there was any strong ground for believing that there would be so large an increase of cultivation in Chánda during the currency of the present Settlement, it might be well to pause before assigning to Malguzars waste as well as cultivated land. But, in the first place, it is not at all likely that the Malguzars will be so fortunate as to increase their incomes so considerably. Mr. Pedder has himself declared his belief that, even taking into consideration "the returns to prospective increase of cultivation," he does not think the majority of the Malguzars will for many years to come enjoy profits equal to the Government jama.

15. This is a consideration that may well allay apprehension; but, secondly, it is much easier largely to increase the Government demand of a sudden on one Malguzar than on a vast number of cultivators. When Settlements have been made for a long term of years, it may often happen that when the next Settlement comes to be made, prices have risen so greatly, that cultivation has so vastly improved, that communications have been so much facilitated, that the money value of the share of the produce that Government considered itself at the original Settlement entitled to, would show an increase over the former demand of 80 or even 100 per cent. In such cases it is very rarely possible for Government to take any thing like what it might seem entitled to. Mr. Morris believes that in several recent re-settlements in the Bombay Presidency this very difficulty has been experienced. It is unnecessary to discuss why there should be a difficulty,—the existence of it will be generally admitted. But in Rayatwari Settlements every rayat has his rent raised considerably at

such a settlement,—in a Malguzari settlement the rayats, the great bulk of the agriculturists, remain quite unaffected. Since rents have been gradually raised during the period of the Settlement it is only the Malguzar who is suddenly called on to pay a larger sum to Government, and he has the means to do so. No doubt he will consider a great sudden raising of his jama a hardship, but it will not be so difficult to enhance greatly the assessment on the less numerous village proprietors as it would be on the more numerous rayats.

16. In Chánda, then, there are two circumstances which mitigate the force of Mr. Pedder's remark,—first, the fact that Malguzars are not likely for many years to come to receive profits as large as we originally contemplated they should have, and, secondly, the circumstance that the settlement is a Malguzari one.

17. The changes in the details of the Settlement that have been suggested are directed to the consideration of the position of the rayats and to prevent forced transfers of land, the splitting up of villages and the possibility of Malguzars ceasing to perform their duties.

18. To take the question of the rayats first. There are 3 classes of rayats:—

*1st.*—Those whose rents have been fixed for the period of Settlement. They are termed absolute occupancy tenants or rayats.

*2nd.*—Those whose rents can only be enhanced under the Rent Act X. of 1859. They are termed conditional occupancy tenants; and

*3rd.*—Those whose rents can be enhanced at the will of the Malguzar or landlord.

19. It is now thought desirable to limit the power of the Malguzar over the rayats, to prevent his acting in an arbitrary and inconsiderate manner, and inasmuch as formerly the State practically fixed the payments that the rayats should make, it has been very strongly urged that some limit should be placed on the Malguzar's power, as he cannot be trusted to have the welfare of the rayats so much at heart as the Government had.

20. Mr. Pedder's proposal, which is accepted by Colonel Keatinge, is that there shall in future be only 2 classes of rayats.

*1st.*—Those whose rents or payments are fixed for the period of settlement, and

*2nd.*—Those whose rents or payments may be increased up to a certain maximum per acre, but not beyond that.

21. In this last class are to be included all rayats who come to the village and occupy any land either previously cultivated or forming part of the village waste, and practically there will no longer exist a class of tenants-at-will.

22. In order to fix the limit up to which any land can be rented, Mr. Pedder proposes to record in the village administration paper maximum rent rates for each quality of land, these rent rates to be based on the Settlement assumed rent rates for the circle to which the village belongs. In cases of dispute as to rent, the Deputy Commissioner is by means of a Panchayat to determine the quality of the soil, &c., and any rent within the maximum shall then be demandable. There can be no question that this measure would most effectually protect all classes of rayats, and so long as the maximum rent rates for the circle are fixed sufficiently high, the Malguzar could have little reason to complain, but at the same time any such condition would make a considerable difference in the position of the Chánda Malguzars towards their rayats, compared with the position held by the Malguzars in other districts of the Nágpur Province, while in all a settlement on the same principle was promised. The Chánda Malguzars would not understand why a difference had been made in their case. At the same time it may be questioned whether it is absolutely necessary to protect the tenants-at-will, as they are termed, those whose rents depend entirely on the Malguzar. Mr. Pedder has in para. 42 of his report pointed out that in fixing the rent of particular fields a great deal is allowed to depend on the circumstances, position, caste and influence of the cultivator.

23. Inequality in the rate of rental is, in fact, most common. But, then, it is not the poorest class of cultivators, the tenant-at-will, whose rent the Malguzar endeavours to enhance. It is the superior rayat, the rayat holding at conditional occupancy rates, or who having been long in the village would have been entitled to the status of a conditional occupancy had he always held the same land, of whom the Malguzar is jealous and towards whom he shows himself hard. As natives generally do, the Malguzars try to get a higher rent from the better lands which are most carefully cultivated by well-to-do rayats. It is these beyond all others that it might be necessary to protect during the course of the Settlement, and it might be possible to protect these without resorting to any such radical change in the position of the Chánda rayats as would render the Chánda Settlement different from others.

24. In paragraph 15 of this office letter No. 1395-150, dated 1st June 1870, which submitted the Chánda Settlement Report to Government, Mr. Morris pointed out that many of the cultivators of old standing whom the Settlement Officer had excluded from the class of conditional occupancy rayats, might under the instructions which were issued for the guidance of Settlement Officers have been admitted. If the rule were liberally construed, probably all cultivators of any standing in Chánda would be admitted to the conditional occupancy class. In paragraph 13 of the same letter Mr. Bernard's proposal was quoted, which was to give occupancy rights to all tenants who were "occupying at the time when the Settlement reached the stage known as the attestation of rents, and who might still be holding when the change of law was introduced."



25. Practically, this would come to very nearly the same thing as Mr. Morris' own proposal, though it looks as if it were a much broader measure. Mr. Morris believes either of these two ways might be adopted for protecting more fully all the rayats who had cultivated land for any time when the Settlement was made, and they would not have the appearance of so great a deviation from the practice adopted in neighbouring districts as Mr. Pedder's proposal. All new tenants who might come in during the currency of the Settlement would for the time it ran be at the mercy of the Malguzar, but the Chief Commissioner does not think that Government need be apprehensive about them.

26. Mr. Bernard had proposed that not only should all rayats occupying land at the time of the attestation of rents at Settlement be declared conditional occupancy tenants in Chánda, but that they should be declared to be so also in the other districts of the Nágpur Division. This might be no more than proper and expedient, but at the same time Mr. Morris does not recommend that it should be done by any change in the Settlement papers or by the mere act of the Executive. He would prefer that Act X. of 1859 as it applies to the Central Provinces should be amended as regards the recognition of conditional occupancy tenants, and that the term should in the amended rent law be allowed a wider signification than it bears at present, so that it would include those classes whom it is intended to protect in Chánda by direct Settlement action. The classification of rayats which was made at the time of Settlement was based on the terms of Act X. of 1859, and Mr. Morris thinks that it would be best that any general change in the condition of rayat should be made by legislation rather than by a tampering with concluded settlements.

27. The above proposals would, Mr. Morris thinks, meet what is required in Chánda; but if it seems to Government essential that all rayats, present and future, should have a maximum rent-rate fixed on their holdings by Government, then Mr. Pedder's proposal is simple and to the point. There may be a little more difficulty in fixing maximum rent-rates for each class of soil in every circle than Mr. Pedder imagines, but the difficulty is not so great, but that it could be overcome with care and diligence.

28. Inasmuch as the occupancy rights are given for the purpose of securing the old cultivation from arbitrary enhancement, and not to render them proprietors, the Chief Commissioner agrees with Mr. Pedder that occupancy rights should be heritable, but not alienable in any way.

29. Next, with reference to the position of the Malguzars. Mr. Pedder recommends that the power of alienating their estates save under certain circumstances, such as transfer or sale of an estate from a cultivating to another cultivating, or from a non-agricultural to a cultivating family and with the consent of the Deputy Commissioner, be not conceded to the Malguzars of Chánda. He would render impossible the partition of villages, *i. e.*, the Government

assessment should not be distributed on certain shares, but the whole village should always be a guarantee for the payment of the Government demand. Every village is to be managed by the head of the family for the time being, and sharers in the village are only to be entitled to a share in the profits, not in the management. In every village either the managing proprietor is himself to reside, or else there is to be there a managing representative who is competent to perform all the duties of the proprietor himself. The head of the family who manages the village is to receive remuneration in addition to his hereditary share in the profits one anna in the rupee on the net profits of the village, and his total emoluments are not to be less than one-fourth of the net profits.

30. Mr. Pedder has drawn up a set of rules for the administration of estates settled on the terms he has suggested, and if his principle of dealing be accepted, the rules leave nothing to be wished for, and seem to provide most clearly for the proper management of the estates. But Mr. Morris thinks it is impossible to blink the matter,—that if we tie up the property of the Malguzars in the way described, we are giving to every man only a life rent in his estate instead of the full proprietary right that we promised. The power to do with their estates as they pleased, was always an aspect of the new system that was dwelt on when the Malguzari Settlement was explained to the agricultural classes. If we withhold this, how can we deny that we are not acting up to our promises. Mr. Pedder has admitted that the Malguzars have a right to expect that the general principles of the Settlement that has been made shall be respected. One of these was the conferment of proprietary right, and proprietary right was explained to be the power to deal with property in any way, to sell it, or alienate it, or keep it. But because there formerly existed in Chānda no right to sell non-privileged tenures, Mr. Pedder thinks Government have it in their power “with perfect propriety and consistency” to “exclude the power of alienation from the gift of proprietary or occupancy right.” The right of property, continues Mr. Pedder, by no means involves the right of alienation. This is all perfectly true, and the only objection is that Government promised to grant full proprietary right that included the right of alienation. Occupancy tenures are on a totally different footing and are opposed to proprietary right. To argue, then, that Government can withhold the right of alienation because there can be a right of property without the powers to alienate, is beside the point if Government committed itself to the promise that it would grant the power of alienation, and no one who knows any thing of the Malguzari system as it is understood in Upper India and as it was understood by the Government of India, can doubt that Government did mean and intend to give proprietors power to alienate their estates. Government wished to give every man “a fee simple” of his estate. Mr. Morris therefore agrees with Colonel Keatinge that the power of sale cannot be withheld from the Chānda Malguzars if it is allowed to the Malguzars in the neighbouring districts settled on the same principle.

31. If the Malguzars are willing to consent that the villages shall be the property of themselves and their heirs for ever, but shall not be liable to sale, but shall only be property of the family that may be inherited, but cannot pass in any other way, then in the case of as many Malguzars as might be willing to abide by these terms a sanad to the effect could be granted to them, and then all the rules of Mr. Pedder for the management of estates would be appropriate and could be adopted. It is possible that many may accede to those terms if the matter is properly placed before them and the danger of the property passing out of their family is set before them in a clear light. But Mr. Morris thinks that we have gone too far to be able to refuse to confer the power of alienation on those who may claim it.

32. The Chief Commissioner is of one opinion with Mr. Pedder and Colonel Keatinge concerning the impolicy of permitting the sale of land, but he would have the matter dealt with by legislation. If all alike are restrained from alienating their lands, and property in land is placed absolutely on a different footing from property in any other commodity, the Malguzars will not have the right to grumble: but if in one district we adopt a different principle of settlement from that followed out in others after having made the same promises in either case, the people may well complain of a breach of faith. There is no need to treat Chánda differently from the other districts of the Central Provinces, and if no restraint on the power of sale is required elsewhere, it is not required in Chánda. It is, in Mr. Morris' opinion, required every where, but the same measure should deal with the question everywhere.

33. The question of partition and inheritance appears to Mr. Morris somewhat different. Our settlement is made for each village. The village is the unit in our revenue system, and there can be no hardship or objection of any kind that no partition shall be effected by which the Government assessment shall be apportioned over several parts of the village so that the whole village shall not be security for the payment of the entire demand. Partners may make any division or partition among themselves, but such partition need not be recognized by Government, and as the village is the unit, and Government expects from the manager of the village the performance of certain duties, Mr. Morris is quite prepared to accept Mr. Pedder's proposals for having a manager in such village. The proper manager would naturally be the senior member of the family owning the village. To him the entire management should be entrusted. It would almost follow, from what has been said about the village remaining one and indivisible and being managed by one person only who shall be reponsible to Government for the performance of the duties incumbent on the village headman, that Mr. Morris concurs in Mr. Pedder's proposal, paragraph 53 of his report, that a right to share in the profits of the estate shall descend according to the ordinary rules of inheritance, but that this right shall not carry with it a right of partition nor a

right to interfere with the management of the village, which shall be solely in the hands of the officiating head of the family."

The land may be divided in any way the sharers in the village please, but the rayats' lands must be managed by one man and the land occupied by rayats cannot be parcelled out.

In this way the right of inheritance of a share, and the right to sell such share is not interfered with, but at the same time the management of the village is provided for, and the management will always remain in the hands of a representative of the family to whom the sanad was originally given, unless the whole property (every share) has been transferred, in which case the new family would be in the same position as the old. Partition of a village in the sense of complete separation with an apportionment on each share of the Government demand is not inherent in a Malguzari settlement, and is only authorized by Act XIX. of 1863. In withdrawing Act XIX. of 1863 from Chánda, and thus preventing partition, Government violates no pledge or promise that it has given.

34. If these conditions are made, that is to say, if the residence in every village of a well-paid managing proprietor is insisted on, or else the presence of a sufficiently well-paid representative in the case of all shareholders in the village being absentees—if partition is not recognized, and shareholders are declared entitled only to their legitimate share in the village profits and to a share of the other land—and if the large body of the rayats already referred to in paragraph 24 are protected from arbitrary enhancement of their rents,—Mr. Morris believes that not only is sufficient security taken for the proper management of the village and for the protection of the rayats, but that money-lenders and non-agriculturists will not find it so much to their profit to acquire land, and they will be less prone to lend money to imprudent Malguzars on the security of their estates, and these latter will be less likely to lose their position and their property.

35. There are only two other points on which it seems to Mr. Morris necessary that he should express an opinion. One is the question of Patwaris. If regular Patwaris are not appointed in all other districts, they need not be appointed in Chánda. Mr. Morris does not think them necessary, but a letter concerning Patwaris is being submitted simultaneously with this letter.

36. The second point is Mr. Pedder's proposal in paragraph 73, that some few villages in Chánda, in which as yet no Settlement has been made, should be settled on the regular Rayatwari system. Colonel Keatinge supported this proposal, but Mr. Morris is much averse to it. He considers it undesirable that so very different a system should be introduced into a few villages in the district, and he cannot see the advantage of having the two systems, working together merely with the object of proving that one is superior to the other.

37. Subject to the modifications which he has recommended, Mr. Morris concurs very generally with what Mr. Pedder has said and proposed in his report. Were it not that he considers that Government is bound by promises long since given, he would have been inclined to go nearly as far as Mr. Pedder in his strictures on the Malguzari Settlement as applied to Chánda; but when the good faith of Government is at stake, Mr. Morris does not hesitate to recommend that we should adhere to the Malguzari system, although it may bring less land revenue to the exchequer both now and in future. The interests of the rayats, on the other hand, will be sufficiently protected by the measures that have been suggested.—I have, &c.

## No. 526.

[o. V. *Extract from the Proceedings of the Government of India in the Department of Revenue, Agriculture and Commerce, dated Simla, the 21st June 1875.*

### LAND REVENUE AND SETTLEMENTS.

READ the following papers on the subject of the settlement of the Chánda District, Central Provinces:—

Report on the Land Revenue Settlement of the Chánda District, Central Provinces 1869.

Letter from the Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner of the Central Provinces, No. 315 R., dated 7th September 1871.

Letter from the Chief Commissioner, Central Provinces, No. 1789—101, dated 15th May 1872, with enclosure.

Letter from the Chief Commissioner of the Central Provinces, No. 1839—87, dated 17th May 1872, with enclosures.

Letter from the Chief Commissioner of the Central Provinces, No. 1041, dated 22nd October 1872.

Letter from the Chief Commissioner of the Central Provinces, No. 112—213, dated 9th January 1873.

READ also the following papers on the subject of the settlement of the Nimár District, Central Provinces:—

Report on the Land Revenue Settlement of the Nimár District, Central Provinces, 1868-69.

Letter from the Secretary to the Government of India, Foreign Department, to the Chief Commissioner of the Central Provinces, No. 239 R., dated 29th August 1870. Endorsement to the Public Works Department, No. 240R., dated 29th August 1870.

Letter from the Chief Commissioner of the Central Provinces, No. 2903—246, dated 11th November 1870, with enclosure.

Letter from the Government of India, Public Works Department, No. 715P., dated 21st November 1870, with enclosure.

Letter to the Chief Commissioner of the Central Provinces, No. 305R., dated 11th August 1871.

Letter from the Chief Commissioner of the Central Provinces, No. 1662—81, dated 6th May 1872, with enclosure.

Letter from the Chief Commissioner of the Central Provinces, No. 3075—165, dated 29th August 1872, with enclosure.

Telegram to Chief Commissioner of the Central Provinces, dated 11th February 1874.

Letter from the Chief Commissioner, Central Provinces, No. 584—30, dated 18th February 1874, with enclosure.

## RESOLUTION.

The question of the confirmation or modification of the Chánda and Nimár Settlements has long been before Government, and the Governor General in Council has had the advantage of the advice of two Chief Commissioners and of very exhaustive and able reports by Mr. Pedder and Mr. Jones on the Chánda and Nimár Settlements respectively.

2. It is clear that a serious mistake was made in applying to these districts a system of settlement foreign to the tenures of the country and unsuitable to the people. The only point now remaining for consideration is how far it is possible to remedy the mistake.

3. There is a good deal to be said in favour of the course advocated for Nimár by Colonel Keatinge, who proposed that all past proceedings should be cancelled, and a settlement commenced *de novo* on the principle of the Bombay system prevailing in the adjoining districts of that Presidency,

4. But to do this would involve the cancelling of *sanads* formally delivered by the Chief Commissioner so far back as 1864, and it seems to the Governor General in Council that it would be necessary also to have recourse to legislation to secure Government from suits that might be brought to enforce these documents.

5. His Excellency in Council decides that it would not be well to adopt this extreme measure ; but that, on the other hand, the Government of India are bound, so far as they can without setting aside the *sanads*, to put on a proper footing the rights of other parties which would be injuriously affected by the confirmation of the settlement in its present form.

6. To do this is, in effect, only carrying out the original instruction that gift of proprietary right was to be without prejudice to the rights of others, and was to be consistent with local usage and feeling; the position of a Malguzar must therefore be so defined as not to trench on the rights of other classes, who by custom have claims which at first were not sufficiently understood, but which further experience has shown must be recognized if the Settlement is to be satisfactorily worked.

7. The necessary conditions and limitations will accordingly be entered in the Settlement papers and be binding on the Malguzars.

8. The first broad principle which should be thus asserted is, that the tenure of all cultivators should be a fixed and permanent one so long as the revenue or rent is paid, and that the payments should, as a general rule, not be liable to enhancement, except at the time of Settlement.

9. This general principle will, according to the custom of the country, be applicable to all alike, except to the holders of the Mukadami and Pátelki lands, who are the tenants-at-will of the Mukadams of Chánda and the Pátels of Nínár.

10. Next as to the waste : the Malguzar will have entire control over waste, subject to the conditions to be specified below, and subject to any prescriptive rights to graze cattle and gather forest produce thereon which the villagers may possess. At the same time, a rule should be laid down that every resident cultivator of the village is entitled, when taking up waste from or with the consent of the Malguzar for cultivation, to have the rent payable to the Malguzar fixed at a rate not exceeding the average rate of the village. It will be open to the Malguzar to grant leases at lower rates, such leases to hold good till the expiry of the settlement, or for such shorter term as may be agreed on ; in the absence of any stipulation limiting the rent, the Malguzar will be at liberty to raise such lower rents by suit to the standard rates.

11. The proportion of the Malguzar's receipts and his proprietary rights should be maintained if he desire it ; but it is expedient to offer an option of reverting to a Pátelki or Mukadami tenure ; the terms of the alternative remain to be settled. (See below paragraph 28.)

12. In all cases in which the Malguzar is an absentee, it shall be his duty to appoint either a special agent or one of the resident cultivators to be Pátel or manager, and such agent or cultivator shall have such remuneration as the Deputy Commissioner may think necessary. It will be the duty of the Pátel or manager thus appointed to prepare, with the aid of the Patwari, the annual village papers ; to give information of offences ; to aid the police to detain criminals ;

to settle trifling disputes among the inhabitants of the village ; to give all information that may be required of him by the Deputy Commissioner ; and to act generally as village headman. The officer of Pátel thus appointed will determine at any time that the Malguzar himself may come into residence.

13. Having thus laid down the principles which should be adopted, the Governor General in Council now proceeds to record the mode in which practical effect should be given to them.

14. Power should be reserved to Government to appoint one or more of the proprietors to be the sole responsible head of the village, and to assign to them out of the profits of the village adequate remuneration.

One responsible person to be appointed as headman or manager in every village.

15. Partition of *lands* among shareholders need not be prohibited, but division of the village is not to be allowed except with the previous sanction of the Chief Commissioner. On the occurrence of a partition, the Chief Commissioner shall have power—

Partition.

(a)—To direct that the responsible headman shall exercise the same powers in the divided shares as previously in the undivided village in matters not directly connected with the realization of rents and other receipts ;

(b)—To direct that the shareholders of the divided share shall pay their land revenue through any person whom he may select ;

(c)—To assign to the persons through whom he may, under the preceding clause, direct land revenue to be paid such remuneration as, with reference to the constitution of the estate, he may deem necessary ; the same to be paid by the separate shareholders in addition to the land revenue assessed on their share ;

(d)—For purposes connected with the payment of land revenue to annex all or any of the holdings of *Malik Makbuzas* or proprietary cultivators (with the share of waste land to which they may be entitled) to any one or more of the divided shares as he may see fit.

16. The status of *Malik Makbuzas* in Nimár is to be maintained as fixed by the Settlement Officer, with the following modifications :—

Malik Makbuzas in Nimár.

(a)—The Malguzar shall not be bound to give out to them for cultivation any waste land, if in his opinion to give out such land would be injurious to the revenues or to the common interests of the village : but on his refusal to give out such lands, an application may be made to the Deputy Commissioner, whose order thereon shall be final.

(b)—Subject to the above condition, every *Malik Makbuza* may claim to be allowed to break up and cultivate an amount of



culturable waste bearing the same proportion to the whole culturable waste of the village as the cultivated area of the holding bears to the cultivated area of the village, provided that from the amount thus obtained shall be deducted the amount of all uncultivated but culturable land included in the *Malik Makbuza's* pottah.

- (c)—*Malik Makbuzas* will pay for waste land taken up within the above rule, not revenue rates *plus* hakk-ul-tahsil, but the average rent-rates applicable to the class of land they occupy.
- (d)—*Malik Makbuzas* will not be at liberty, during the currency of the present settlement, to sub-let waste lands which they may take up, but this rule is not to prevent them from cultivating waste through members of their family.
- (e)—If advantage is not taken of this privilege by taking up the waste land thus assigned, it will be available for other cultivators desirous of taking up waste land.

17. All cultivators recorded in the settlement *misl* as tenants possessed of an absolute right of occupancy will retain all the rights which the Settlement Officer gave them, except the powers of transfer and mortgage. Any such tenant, however, who has a right to receive compensation for improvements when he is ejected, has a right to transfer to any person so much of his holding as may be affected by, or cannot be properly separated from, land affected by such improvements, together with his right to compensation on ejection. The person to whom land may be transferred under this rule shall hold as a tenant-at-will, unless the tenant from whom he received such land held under an unexpired lease which he could transfer, or possessed a transferable right of occupancy, and shall have transferred the lease or occupancy right also. Every absolute occupancy tenant will also be entitled to transfer his holding, or any part thereof, with all its privileges, without obtaining the consent of his landlord—

- (1). To any person who has become by inheritance a co-sharer with him in such holding.
- (2). To any person to whom the holding would descend on his death under the provisions of the law for the time being in force.

18. Absolute occupancy tenants shall continue for the term of the Settlement to pay rent at the rates specified in the Settlement record, and shall not, during the currency of such Settlement, be liable to enhancement of rent, or to payment of any cesses or fees other than those leviable by common consent and village custom from all cultivators and authorized by the Chief Commissioner.

19. In order to give effect to the orders of Government contained in this Resolution, the rents of all cultivators (not being tenants on *sir* lands) whom the Settlement Officer recorded as Act X. tenants or

Act X. tenants and tenants-at-will.

tenants-at-will, and of all cultivators whose occupation began after the

"46. I propose, therefore, to record in the village administration paper maximum rent-rates for each quality of land (say 'Awul', 'Doyem', 'Soyem,' and 'Kunisht.'). These rates will be based on the settlement 'assumed rent-rates' for the circle to which the village belongs, but those rates will be carefully revised by Major Lucie Smith, by a comparison of the actual rent-rates now paid in the circle (the principle being thus analogous to that laid down in Section 17, Act X. of 1859). In case of a dispute between the Mukádam and a 'ráyat at conditional rates,' the Deputy Commissioner will ascertain, by the agency of a Pancháyat of cultivators and landholders, to what class the field in dispute belongs, all its circumstances, soil, situation, water-supply, &c., being of course taken into consideration. The maximum rate for the class determined by the Pancháyat will then be applied, and the rayat, as far as that field is concerned, will become a 'rayat at fixed rates.' The Mukádam will be required to report to the Tashildár each instance in which he enhances existing rates, the fields on which enhancement is demanded, and the amount, in order that the Deputy Commissioner may be able to judge whether the rayats are treated fairly and understand their rights."

Settlement operations terminated, should now be fixed once for all for the term of Settlement. But, in consideration of the inconveniences which would attend so large an operation if carried out in minute detail in each instance, the rents will be fixed at the present Settlement only in

the manner suggested by Mr. Pedder in paragraph 46 of his report on the Chánda Settlement, No. 293, dated 6th April 1872. quoted in the margin. Maximum rates for each quality of soil having been determined in this manner, and entered in the record of rights of each village, Malguzars will be permitted to enhance (by suit if necessary) the rents of all Act X. tenants and tenants-at-will up to those rates: but (except in the case of uncultivated lands broken up during the term of the Settlement) only one suit for enhancement will be permitted, and the rent which may be fixed in such suit will, subject to the provisions of the second of the incidents of the tenure mentioned in the following paragraph, hold good for the term of Settlement, and this whether it be equal to the maximum rent calculated as above, or not. Notwithstanding anything contained in this paragraph, existing rents which exceed the proposed maximum rents should not be reduced, unless special grounds for reduction shall appear.

20. The cultivators referred to in the preceding paragraph will be liable to be ousted only in execution of a decree for arrears, or for ejectment on account of a breach of the conditions of the tenure; and the incidents of their tenure will be as stated below:—

(1). Fixity of rent for term of Settlement, liable only to revision at recurrence of regular Settlement from time to time hereafter, is to be a permanent incident, and a perpetual characteristic of the tenure of the said cultivators, provided that rents fixed in the manner proposed in paragraph 19 shall be liable to alteration—

(a)—If the area of the holding becomes or is found to be greater or less than the area on which rent is so fixed.

(b)—If the productive power of the land increased or decreased otherwise than by the agency or at the expense of the cultivator.

- (2).—The said tenure shall be regarded as entirely heritable, not only from father to son lineally, but collaterally also to nearest of kin.
- (3).—Except as provided in the succeeding clause, these cultivators shall not have power to transfer or mortgage their holdings, and only those of them who were in possession of their lands at the time of the attestation of rents shall have power to sub-let.
- (4).—These cultivators shall have power to transfer their occupancy rights with all its privileges without obtaining the consent of their landlords —
- (a)—To any person who has become by inheritance a co-sharer with them in their holding ;
- (b)—To any person to whom their holdings would descend on their death.
- (5).—The said cultivators shall have the power to improve their holdings, sink wells therein, and use thereon water from canals, tanks or jheels, without paying the landlord any higher rent than may have been fixed as above.

21. The tenure described in paragraphs 19 and 20 will be the customary tenure of the Chánda and Nimár Districts, and all persons hereafter becoming tenants in those districts will be deemed, unless they hold under a written lease, to hold on the terms there laid down ; but nothing in those paragraphs or in this paragraph applies to *sir* land. Tenants of *sir* will have no greater rights than they have in other districts of the Central Provinces

When lands held on the customary tenure become tenantless, the Malguzar may dispose of them to whom he pleases, but will not be allowed to realise more than the recorded maximum rent.

22. Malguzars will have entire control over waste (not taken up in Nimár by *Malik Makbuzas*) subject to the following restrictions :—

- (a)—When they assign land to resident cultivators, they shall not take from them a rent higher than the maximum rent recorded as provided in paragraph 19.
- (b)—Persons (other than *Malik Makbuzas* referred to in paragraph 16) occupying waste land will acquire only such rights as their lease may give them ; but if they enter without a lease, they will be deemed to hold on the customary tenure.

In this paragraph the term “resident cultivator” means any cultivator of three years’ standing. Malguzars will not be restricted as to the amount of rent they may demand from non-resident cultivators to whom they grant leases.

23. The term of the Nimár Settlement is to be 20 years from the year in which the Settlement Officer took engagements from the majority of the Mal-

Nimár.

guzars. The year so fixed on should be reported; or, if the Chief Commissioner finds any difficulty in so determining the year, he should state from what year the period will commence.

24. The Government of India approve of the application, both to Chánda and to Nimár, of the proposal made by Mr. Jones in paragraphs 66 and 67 of his report, and accepted by the Chief Commissioner in paragraph 25 of his minute of the 17th August, *viz.*, that claimants to partition shall have no right to share in the lands belonging to proprietary cultivators (*Malik Makbuzas*), which shall, unless otherwise ordered by the Chief Commissioner under clause (d) of Section 15, invariably remain with the headman selected by Government to represent the community, who will during his term of office be held exclusively entitled to all emoluments attaching to the collection of revenue from such proprietary cultivators.

25. It is not necessary to introduce into Nimár special rules providing a right of pre-emption to Malguzars in cases of transfer of proprietary holdings. This question is one which affects the Central Provinces at large, and must be dealt with accordingly.

26. Power should be reserved to Government to fix on revision of the Settlement the payments of every cultivator by regular process of assessment, should it then seem desirable to do so.

27. Lastly, and in case it should, with reference to paragraph 11 of this Resolution, appear expedient to allow any persons whom the Settlement Officer made proprietors, to become Pátels, it will be necessary to indicate generally the terms on which the change may be made. The following paragraph contains a sketch of what is proposed.

28. (a).—Where a sole proprietor or a proprietary body may elect to resign proprietary right and to become Pátels, he or they will receive a new sanad securing the Pátelship to them and their heirs for ever.

(b).—The emoluments of the office will be as below. They will be heritable according to the rules of the Hindu law, and shares may be transferred by the shareholders *inter se*; but alienations, whether voluntary or compulsory, to persons not themselves of the family, will be prohibited.

(c).—From among the members of the family of the *sanad*-holders and their descendants, Government will, whenever it is necessary, select one or more persons to fill the office of Pátel, and will set aside from the Pátelki emoluments such official remuneration as it may deem suitable. Government reserves power to remove any Pátel on proof of misconduct or incapacity.

(d).—The Pátelki emoluments to be as follows:—

- (1)—An allowance, not exceeding 15 per cent. on the present gross rent-roll of the village, as Pátel's emoluments proper, with a further allowance, not exceeding 5 per cent. on existing gross rent-roll, for village expenses.

(2)—An allowance, not exceeding 5 per cent. on the gross rent-roll, as Patwari's fees.

(3)—The hakk-ul-tahsil payable by *Malik Makbuzas*.

(e).—Owing to the peculiar circumstances of the present Settlement, any increase of the rent-roll from the breaking-up of waste lands will be enjoyed by the Pátel for this Settlement only.

In calculating the gross rent-roll, the rents of lands recorded by the Settlement Officer as *sir* to be included, but the payments made by proprietary rayats to be excluded.

The duties of Pátels will be as stated below :—

- (1)—To collect the assets of the village, including revenue paid by plot proprietors, rents of cultivated lands, income arising from jungle products, &c.
- (2)—To pay punctually the instalments of the Government revenue with cesses.
- (3)—To prepare, with the aid of the Pandia or Patwari, the annual village papers.
- (4)—To distribute to the different sharers in the estate their several shares of the net annual income, keeping for this purpose an account which may be inspected by any sharer who desires to do so.
- (5)—To give information of offences; to aid the police; to detain criminals; to settle trifling disputes among the inhabitants of the village; to keep order; and to act generally as the village headman.

Pátels will not be responsible for deficient collection consequent on decline of cultivation; but, in consequence of the concession made above in clause (e) of this paragraph, the Pátel will not, during the present settlement, receive any remission on account of decline in cultivation, so far as such remission may be covered by the profits realised by him from the waste.

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ORDER.—Ordered, that a copy of the foregoing Resolution be forwarded to the Chief Commissioner of the Central Provinces for information and guidance.

Ordered, also, that a copy be forwarded, with a separate despatch, to the Secretary of State.

(True Extract.)

A. O. HUME,

Secretary to the Government of India.

**No. VI.** *Letter from J. W. NELL, Esq., Secretary, Chief Commissioner, Central Provinces, to COMMISSIONER, Nagpur Division,—No. 2569,<sup>104</sup> dated 23rd July 1875.*

I am directed by the Chief Commissioner to send you two copies of the final orders passed by the Government of India on the Settlement of the Chánda District.

2. The decision of the Government of India has been arrived at after much discussion. It has been fully accepted by the Chief Commissioner, and it must be looked upon as finally disposing of all questions that were in dispute. All that has now to be done, is to carry out these orders, and to bring the Settlement of the district to a close.

3. The principles laid down by the Government of India are so clearly expressed, and the instructions for giving effect to them are so detailed, that subsidiary instructions are scarcely necessary. The Chief Commissioner only desires to invite your attention to the effect of the decision of the Government; and, speaking generally, it may be said that it places the various classes of persons who draw their subsistence chiefly from the soil on as nearly as possible the same footing as they were before the present Settlement proceedings were undertaken. Without withdrawing the gift of proprietary right which has been made, the Government—and this must be clearly pointed out to the people—seeks to obtain nothing more for itself. Its present orders do not in any way affect the payments to be made to Government, but it simply and solely desires to determine and define in an equitable manner the relations in which the various cultivating classes stand to each other, and to insure what it laid down as a principle when it determined to divest itself of its proprietary right in the soil, “that the gift of proprietary right was to be without prejudice to the rights of others, and was to be consistent with local usage and feeling.”

The Government has accordingly now determined that the tenure of all cultivators in Chánda shall be a fixed and permanent one so long as the usual rent is paid. This rule does not apply, however, to cultivators of sir land. In paras. 19 and 20 of the Resolution is described the manner in which effect is to be given to the principle stated above, and it will be necessary to take steps at once to carry out the wishes of Government.

Maximum rent rates are to be fixed for each quality of soil, and the maximum rate thus fixed will be the utmost a Malguzar can demand from the tenant, and existing rents may be raised (by suit) to that maximum; but only one suit for enchancement is to be allowed during the Settlement, the rent thus fixed being unalterable, unless it be found that the area of the tenant's holding is greater or less than the area on which the rent was fixed, or the productive power of the land is increased otherwise than by his agency or at his expense. When maximum rent rates for each class of soil have been fixed and recorded in the village papers, then on the occurrence of any dispute the Deputy Commissioner

will appoint a Pancháyat of cultivators and landholders to determine to what class of land the field or fields of the holding belong, and thereupon the rent will be fixed.

The first thing to be done, then, is to fix maximum rates for each class of soil; and, to enable you to have this done, an officer with experience in Settlement matters will be attached to the Chandá District. When that has been done, the rates will be entered in the village administration paper—to which a chapter will be added in the Form A, appended to this letter.

Next, it will be necessary to correct the record of rights in so far as it refers to absolute occupancy tenants, and declare that such tenants have no power to mortgage or transfer their holdings, except to the persons mentioned in paragraph 17 of the Government Resolution; and paragraph 17 of the Resolution should be added as a clause to the chapter on absolute occupancy rights in the village administration paper. So far as regards cultivators. But a stipulation must be entered in the village papers that on a revision of Settlement the Government may, if it chooses, fix the payments of every cultivator by regular process of assessment.

Next as to the power of Malguzars over waste land. A chapter (B.) on the subject, as appended to this letter, should be added to the village administration paper or substituted for the existing chapter on the same subject and its purport. The powers they may exercise and the privileges they may continue to enjoy should be explained alike to the Malguzars and cultivators.

It should be explained to Malguzars that when there are several shareholders in one village, Government reserves to itself the right of appointing one or more to be the responsible head of the village and of providing for such responsible head adequate remuneration. The decision of the Chief Commissioner as to what remuneration is adequate, shall be accepted as final. Further, that Government will not permit villages to be partitioned at the mere will of the Malguzars or shareholders, but that it will be at the option of the Chief Commissioner to permit partition under the conditions mentioned in paragraph 13 of the Government Resolution, which should be embodied in the village administration paper.

Again, it must be explained that as Malguzars owe certain duties to Government in connection with their village, they must provide for the performance of such duties when they are absent, and a clause, embodying paragraph 12 of the Government Resolution, must be recorded in the administration paper.

To sum up what has been said :—

Chapters or clauses have to be added to the administration paper declaring or regulating the following matters—

- 1st. The status of tenants, including both Act X. tenants and tenants-at-will.
- 2nd. The privileges of absolute occupancy tenants.
- 3rd. The power of Malguzars over waste lands.
- 4th. The power of Government to select a responsible headman from among shareholders.
- 5th. The condition on which partition of a village is allowed.
- 6th. The obligation on a Malguzar either to reside in his village or have an agent there.
- 7th. The power of Government at next Settlement to fix the rents of every cultivator by regular process of assessment.

In conclusion, I am to invite your attention to paragraphs 11 and 28 of the Government Resolution, which permit village proprietors to divest themselves of the proprietary right which has been conferred on them, and exchange it for a Pátelship, the duties and emoluments of which office are fully described by the Government of India. The Chief Commissioner believes that very few village proprietors will be found willing to exchange their present position for the one offered, even if a single one be found. Nevertheless, the offer should be widely made known, and the terms offered be fully explained to all Malguzars; and the Chief Commissioner will expect you to see that this is done, and that every information be given to Malguzars so as to permit them to arrive at a sound decision.—I have, &c.

A.

### *Chapter on the Status of Cultivators.*

The position of all cultivators not being absolute occupancy tenants whose privileges are separately described shall be as follows; and we promise to respect, as one of the conditions of the Settlement made with us, the rights and privileges hereby secured to them.

We shall be free to demand and take from them any rent, not exceeding the maximum rent rate, for the quality of soil as fixed by the Settlement Officer and recorded in those papers; but if any cultivator is now paying a higher rent, he cannot claim to have it reduced, unless on special grounds the Deputy Commissioner shall consider a reduction necessary.

In the event of a dispute as to the quality of soil of a cultivator's holding, a Pancháyat of cultivators and landholders appointed by the Deputy Commissioner shall decide to what class the field or fields of the holding belong.



If a cultivator refuses to pay the rent we are free to demand, we will apply to the Revenue Courts for enhancement.

Only one suit for enhancement will be allowed during the period of the present Settlement, and the rent then fixed shall endure till the end of the Settlement.

We will report to the Tahsildár every instance in which we enhance existing rents without resorting to a suit, and we will report the fields on which we demand enhanced rent and the amount of such rent.

We will not and may not oust these cultivators, except in execution of a decree for arrears of rent or for breach of the condition of their tenure.

They shall not be liable to pay a higher rent than as fixed above, unless—

- (1) The area of the holding is found to be greater than the area on which rent was fixed, which if it is found to be less they may claim a proportionate reduction.
- (2) The productive power of the land is increased otherwise than by the agency or at the expense of the cultivator; if it is decreased, the cultivator may demand reduction.

The tenure of the cultivator shall be heritable, both from father to son, and collaterally to the nearest of kin.

The cultivator may transfer his holding with all its privileges without obtaining our consent—

- (1) to any one who has become by inheritance a co-sharer in the holding;
- (2) to any person to whom the holding would descend on the death of the cultivator.

Except as above, cultivators may not transfer or mortgage their holdings, and only those who were in possession of their lands at the time of attestation of rents shall have power to sublet them

Cultivators shall have power to improve their holdings, sink wells in them, and use on them water from canals, tanks and jheels, without paying us any higher rent than that demandable as above.

When land held by a cultivator holding on the tenure described above becomes tenantless, we may give it to whom we please, but may not take a higher rent than the recorded maximum rent rates allow.

All persons hereafter coming into our villages and cultivating land brought under cultivation since the Settlement shall be considered to hold under all the terms and conditions above recorded, unless they have entered into a written engagement with us and agreed to other terms.

Cultivators on our sir land will not be considered to hold on the foregoing terms, but they will pay to us any rent we may demand, and we may take our sir land from them at any time.

## B.

*Chapter on Waste Land.*

The control over waste land included in the village area will belong to us—subject, however, to the following obligations, which we acknowledge; and, above all, resident cultivators shall retain all privileges of grazing cattle and gathering forest produce on such waste land as was formerly enjoyed by the body of cultivators, and nothing shall be demandable from them on that account that the former Settlement did not expressly allow. When we assign a portion of the village waste land to a resident cultivator for the purpose of cultivation, we will take from him rent, which shall not exceed the maximum rent rate fixed for the same quality of land in the cultivated area. If any other person occupies or cultivates a portion of the village waste land we may arrange with him, in writing, regarding the rent to be paid; but if we permit him to occupy and cultivate without a lease, he shall be deemed to hold on the ordinary tenure of a resident cultivator. By resident cultivator is meant a cultivator of three years' standing.

**No. VII.** *Letter from Colonel J. B. DENNIS, Commissioner, Nagpur Division, to the SECRETARY TO THE CHIEF COMMISSIONER, Central Provinces,—No. 2633, dated Nagpur, the 16th June 1876.*

I have the honor to submit, for the information of the Chief Commissioner, copy of a letter No. 1538 of 20th April from the Deputy Commissioner of Chanda, together with translations of the report and statements by Mr. Aulad Hussein, Assistant Commissioner, which you were good enough to have made in your office, showing the manner in which he has finally carried out the orders contained in your letter No. 2750—104 of 23rd July last.

2. On three or four different occasions I have devoted some hours with Mr. Aulad Hussein in scrutinising the work while it was progressing with him, and have also issued such orders as were necessary on references made. Thus the instructions of the 3rd paragraph of your letter above quoted have, I trust, been observed, that I should supervise, control, and from time to time test the work myself.

3. I can testify to the great pains taken in this matter by Mr. Aulad Hussein. Every statement prepared to enable him to deduce his maximum rates was prepared with his own hand, and after now going through the whole of these I believe they have been in every instance carried out after a careful consideration of every circumstance necessary to be considered in finally fixing them.

4. Some cases absolutely needed a distinct treatment of their own, and the reasons for this will be found in paragraph 8 and *sequitur* of the report. They will, I think, commend themselves to the Chief

Commissioner, and had, I believe, his verbal approval when on tour in the Chánda District.

5. The fullest details of the principles adopted are given in the report itself, though it necessarily suffers somewhat by translation ; and on the appendix statement and on this, as facts will speak for themselves, I will say no more.

6. Paragraph 28 shows that in no single instance has a proprietor applied to give his proprietary right for a Pátelki tenure, but the proprietors of 4 villages have asked to resign their estates altogether. The reasons for this are given. In the village of Itoli, pargana Haveli, the cause is that only 175 acres are left in the village. The jama is Rs. 10 ; only 12 acres are now cultivated. The proprietor is an absentee landlord living at Chánda and a pauper. No good can apparently result from forcing him to retain the village, and I think the Deputy Commissioner might be asked if any one else will engage.

7. In Biloni, pargana Warora, the Malguzar is involved, and a fine village is going rapidly to ruin. I would recommend that some one else be asked to engage, though I fear the jama is too high.

8. The same may be said of villages Kachipur and Ghotesur of pargana Garbhorí. They are going to ruin only from the pauperism of incumbent. But the two tanks being restored, would renovate the villages. I would accept the resignation, and let some man engage who has means of his own, or could offer good security for takávi.

9. In regard to the fourth case, Mowara, pargana Rajgarh, there is no cause shown why the Malguzar should give up the village. If, however, the Malguzar of Anturgaon were willing to engage, the resignation might be accepted and the village given to him.

10. The Deputy Commissioner's 5th paragraph, founded on Mr. Aulad Hussein's 27th paragraph, needs no remark. If an absentee landlord refuses, when called on, to appoint a resident agent, it is a breach of the Settlement condition. It is, however, evident that to those desirous, from any cause, of giving up their villages, the fear of the Settlement being cancelled would not induce compliance with the condition, but it is not apparent how any other penalty could be prescribed in a Settlement mist.

11. In conclusion, I trust that Mr. Aulad Hussein's labours will receive the approval of the Chief Commissioner. The extra expense to Government has been only Rs. 626-5-0, though Rs. 1,011-4-7 were sanctioned.—I have, &c.

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*Letter from Captain W. VERTUE, Officiating Deputy Commissioner, Chánda, to the COMMISSIONER, Nágpur Division,—No. 1538, dated 20th April 1876.*

I had the honor to report in this office No. 1377 of 11th instant, that the special work in connection with the Chándá Settlement, for which Mr. Aulad Hussein was deputed to this district, was finished. I said that Mr. Aulad Hussein's report would soon follow, and I have now the honor to send it.

Enclosures 2.

2. As explained in the Secretary's No.  $\frac{2750}{104}$  of the 23rd July 1875 to your address, the chief thing Mr. Aulad Hussein had to do was to fix maximum rates for each class of soil. His report and the appendix, which accompanies it, contain such a full account of the method adopted for finding the maximum rates, together with the reasons for this method, and the results obtained by it, that it would seem useless for me to go over the ground again. The sub-division of each kind of soil into three classes where this appeared advisable, seemed very necessary, for in this district the same class of soil is sometimes found to have very different values in the same village. Much indeed depends upon position. As a rule, the lands nearest the village and its tank, where there is one, are the most valuable, and a field of, say, 1st class soil at a distance from the village and perhaps on the edge of a jungle may not fetch one-third of the rent a field of the same class in a more favoured position yields. I think the sub-division will prove a most useful guide to Panchâyats assembled to determine disputes between Malguzars and tenants, while in the richer villages, where there is something like a competition for land, it will exercise a salutary check upon Malguzars.

I am inclined to believe, too, that it will make the decisions on disputes, not only more equitable, but more intelligible than they would otherwise be; for, without it, it might be found difficult to make Malguzars understand why fields declared to be of one class should not pay, if not the maximum fixed for their class, at least all alike.

3. I need hardly say that, in fixing the maximum rates, due care has been taken of the interests of Malguzars. The Settlement Officer's circle rates and the actual receipts of Malguzars as obtained from their own jamábandis, have given the chief data for Mr. Aulad Hussein's maximum rates, and the average rate for any one class of soil will generally be found equal or nearly equal to either the Settlement Officer's circle rates, or the average of receipts.

4. Considering that Mr. Aulad Hussein's figures will probably be much referred to when a new Settlement is in progress, it seems to me of the very greatest importance that he should test the results obtained from the Settlement registers and village papers, by actual inspection of the different circles, and I, therefore, afforded him every facility for going about the district. It is not, of course, pretended that he has visited every village. The time allowed for the work made this impossible, but I believe I may say with safety that he has seen sufficient of most of the circles to afford very fair test of the correctness of his figures. It will be observed that there has been to some extent a transposition of villages; 228 have been transferred to higher and 159 to lower circles. In the former the Malguzars' actual receipts were found to be far in excess of the circle rates, while in the latter they were considerably below these.

5. Paragraph 12 of the Government Resolution lays down that absentee Malguzars are to appoint resident agents or managers, but no penalty has been attached to the infraction of this injunction.

I call prominent attention to this, because the omission may lead to inconvenience hereafter.

6. The option Malguzars had of reverting to a Pátelki tenure was carefully explained, but in no case was the offer accepted.

Four Malguzars came forward and resigned their estates, and refused to hold them as Pátels.

7. Mr. Aulad Hussein joined this district on the 12th August 1875, but did not actually begin his special work till 16th October.

And till 1st January 1876 he had only 2 Moharirs at work.

The work involved considerable labor, for there are 1,569 villages. If it be considered satisfactory, I trust I may be permitted to convey the Chief Commissioner's approval to him.

As was intended, he assisted, while engaged in his more special duties, in the general work of the district, and I am glad to take this opportunity of acknowledging his services in this respect.

8. Rs. 1,011-4-7 were allowed for establishment and contingent expenditure, and of this sum Rs. 626-5-0 have been spent, leaving a saving of Rs. 384-15-7.

*Letter from SECRETARY TO THE CHIEF COMMISSIONER, Central Provinces, to the COMMISSIONER, Nágpur Division,—No. <sup>2125</sup>/<sub>106</sub>, dated 28th June 1876.*

No.  
VIII.

I am directed by the Chief Commissioner to acknowledge receipt of your letter No. 2683, dated 16th June, submitting, together with a letter from the Deputy Commissioner of Chánda, the report and settlement by Munshi Aulad Hussein, Assistant Collector, on the completion of his special work in connection with the Chánda Settlement.

2. In reply, I am to say that the Chief Commissioner concurs with you in thinking that the work has been well and carefully done by Munshi Aulad Hussein, to whom an expression of the Chief Commissioner's satisfaction at his work should be conveyed.

3. With reference to paragraphs 6 to 9 of your letter, in which you remark on 4 villages which the present Malguzars wish to resign, I am to observe that these villages can only be given to any other person on a Pátelki tenure, and a preliminary to this, of course, is that the present Malguzars first give in their resignation in writing. The villages would then be held by those who choose to take them on a Pátelki tenure for the time of Settlement, and proprietary right would not be conferred.—I have, &c.

**10. IX.** *Letter from C. J. LYALL, Esq., Under Secretary to the Government of India, Department of Revenue, Agriculture and Commerce, to the CHIEF COMMISSIONER OF THE CENTRAL PROVINCES,—No. 406, dated Simla, 9th June 1876.*

With reference to the Resolution in this Department, No. 526, dated the 24th June last, I am directed to forward copy of a despatch from the Secretary of State, No. 11, dated the 6th April last, relative to the Settlement of the Chánda and Nimár Districts, and to request that the orders conveyed in paragraphs 8 and 9 thereof may receive your early attention.

2. I am also to request that you will be good enough to submit any remarks you may desire to offer on the several points referred to in the despatch.—I have, &c.

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*Despatch of the SECRETARY OF STATE FOR INDIA to His Excellency the Right Honourable the GOVERNOR GENERAL OF INDIA IN COUNCIL, Revenue No. 11, dated India Office, London, 6th April 1876.*

Para. 1. The despatch of your Excellency in Council, dated 23rd August, No. 23 of 1875; transmitting copy of your Resolution on the subject of the Settlement of the districts of Chánda and Nimár, in the Central Provinces, has been considered by me in Council.

2. The grave question which came under your consideration was whether these settlements, which were commenced in Chánda in 1862, and in Nimar in 1866, should be confirmed.

3. You were of opinion that a grievous mistake had been made in applying to these districts a system of revenue administration unsuitable to their condition and foreign to the habits of the people, and you considered that much was to be said in favour of the proposition for reverting to the old tenures of the country, the beneficial results of which, under British management, were apparent in the adjoining Provinces of Bombay and Berár. But, after much deliberation, you decided to maintain the present Settlement, making, however, important alteration in it, in order to improve the status of the cultivating classes.

4. I entirely concur with your Excellency in your view of past proceedings, and it is a matter of great regret that it is now too late to cancel entirely what had been done. I observe that, with one exception, all the experienced local officers whom you consulted, have given their opinion to the same effect, and that the only one of them, Colonel Keatinge, who advocated a different course as regards Nimár, was in favour of adopting, in Chánda, a modification of the Settlement already made, instead of cancelling outright what had been already done. I approve, therefore of the conclusions at which you have arrived.

5. I understand that the main principle of the Resolution of your Government, is this:—While it is held to be too late to reclaim on behalf of the State the revenue and rights alienated by the creation of

Malguzars, the Settlement may, without injustice to any class, be revised, so as to secure the great body of cultivators' rights as nearly equivalent as is possible under a Malguzari system, to those they enjoyed under their old tenures. The grant of proprietary right was made expressly without prejudice to the rights of others, and the Malguzars cannot complain of any modifications consistent with local usage and feeling that may be made in favor of those whose former privileges have been on further inquiry found to have been curtailed by the mode of settlement at first proposed. I am of opinion that the course you have taken is the best that was possible under the circumstances, and I concur in the general principles laid down in your Resolution.

6. The details of the Settlement are of much complexity, and involve many technicalities which I cannot criticize to any useful purpose, but one or two points of importance may be noticed. As regards the large areas of unoccupied land included in the Settlement, it seems questionable whether you have not allowed the Malguzars more ample powers than are consistent with the main principle of your Resolution, and whether the rights of others in that respect have not been unduly curtailed. But possibly on working out the details this may be corrected. The maintenance of sufficient village papers, and a record of the transactions between Malguzars and the cultivators is of great importance, and I infer from para. 12 of the Resolution that the appointment of competent village accountants will be insisted on, and that the payment of proper remuneration to them and to the village managers will be made obligatory on the Malguzars.

7. I approve of the liberal percentage to be offered to Pátels, but there are some expressions in this part of the Resolution that I do not quite understand. The term "gross rent-roll" is hardly applicable to Pátelki villages in which "revenue" is collected, and it is not clear on what sources the Pátel's emoluments are to be fixed. I presume that the village officers' fees on local cesses and on lands held free from assessment perhaps by the Pátels themselves, would not be 25 per cent., and that this rate would be payable on the "gross Government revenue," rather than on the "gross rent-roll."

8. These and other details may be left to your consideration. What I chiefly desire is, that still further efforts should be made to get rid of the ill effects of the original Settlement. You should direct the Chief Commissioner to bear in mind that it will be his duty to see that the provisions of the revised Settlement are not converted by the Malguzars into a means of unduly enhancing rents, or reducing the status of any class of cultivators. He should also be clearly made to understand that the existing principle of Settlement is maintained by Government only on account of the pledges that have been given, and not from any conviction of its expediency; that every opportunity should be taken, consistently with good faith, of diminishing the area over which it operates; and that so far from throwing obstacles in the way of any Malguzars who may wish to resign their tenure, it will be right and proper to give them every facility for reverting to a Pátelki; and I would add, that it may be

deserving of your consideration whether you cannot, by authorizing an offer of pecuniary compensation, from time to time induce Malguzars, especially those who are non-resident, to accept a commutation of their proprietary rights.

9. There is one point on which specific instructions appear not to have been given. Mr. Pedder proposed to introduce a Rayatwari Settlement into 24 villages, of which the proprietary right had not yet been given away. Mr. Morris, the Chief Commissioner, objects, on grounds which I consider to be insufficient, and I request that you will, at an early opportunity, take steps for the introduction of the ordinary Rayatwari system of the Bombay Presidency into these villages.

10. I cannot close my remarks without expressing my satisfaction with the very able reports submitted by Mr. Pedder and Mr. Jones on the revision of the Settlement in Chánda and Nimár respectively.—I have, &c.

**No. X.** *Letter from J. W. NEILL, Esq., Officiating Secretary to the Chief Commissioner, Central Provinces, to the SECRETARY TO THE GOVERNMENT OF INDIA, Department of Revenue, Agriculture and Commerce,—No. <sup>2445</sup> 104, dated Nágpur, 29th June 1876.*

I am directed to acknowledge the receipt of your letter No. 406, dated 9th June, with which was forwarded copy of a despatch No. 11, dated 6th April, from the Secretary of State, regarding the orders passed in Resolution 526, dated 24th June 1875, relative to the Settlement of the Chánda and Nimár Districts.

2. The Chief Commissioner perceives that the Secretary of State has accepted the principles embodied in the Resolution, and he only draws attention to one or two points.

The first of these is, whether the Settlement, as now made, does not give the Malguzars more ample powers over the village waste land than is consistent with the rights or claims of the rayats. The Chief Commissioner may be permitted to say that there is no fear of the rights of the rayats having been unduly curtailed. All resident rayats retain their former privileges of grazing their cattle on the waste and taking such forest produce as they want and the area can supply, without any payment being demandable from them, and if they take up waste land and bring it under cultivation, the maximum rent they can be called on to pay is the customary rent for land of the same quality in the village.

3. As regards the maintenance of village accountants, the Malguzars or managers themselves are primarily responsible for the preparation of the village papers, and if they, or the Patwaris they appoint, fail in their duty, the Deputy Commissioner would appoint Patwaris and compel the Malguzar to pay them a proper remuneration. In the same way the Settlement makes it incumbent on an absentee Malguzar to appoint a manager for his village.



4. With reference to para. 7 of the despatch, the Chief Commissioner thinks that there is some misapprehension with regard to the meaning of the Resolution of the Government of India. The mention of the "gross rent-roll" was made, the Chief Commissioner apprehends, with a view to showing the actual amount which, if a Malguzari village were turned into a Pátelki one, the Pátel would receive as profit or remuneration, and that having been ascertained, the percentage on the Government demand would have been calculated afterwards.

As a matter of fact, however, the Chief Commissioner believes that very few, if any, Malguzars will be found willing to change their Malguzari for a Pátelki tenure, and this in spite of the Chief Commissioner having desired that this offer of the Government should be widely made known and every information given to the Malguzars; nor does the Chief Commissioner believe that any offer of money would induce Malguzars to exchange their proprietary rights for a hereditary farming right.

The Chief Commissioner thoroughly understands the policy of Government in this matter, and he has been anxious to give all possible effect to it; but although Malguzars will not consent to become Pátels, and we have failed in our endeavour to re-introduce the old Pátelki system, we have yet managed to secure the rayats in a position almost, if not quite, as favorable as they enjoyed under the Pátelki system, and the provisions introduced into the Settlement by the Government Resolution seem to the Chief Commissioner effectually to prevent the Malguzars from unduly enhancing rents or reducing the status of any class of cultivators. The introduction by the Resolution of a *customary* tenure seems to provide the rayats with all they can ask.

5. Finally, with reference to para. 9 of the despatch and the proposed introduction of the Bombay Rayatwari system into 24 villages of the Chánda District, I am to say that the Chief Commissioner, after making further inquiry, will address the Government of India separately on that subject.—I have, &c.

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*Letter from C. J. LYALL, Esq., Under Secretary to the Government of India, Department of Revenue, Agriculture and Commerce, to the CHIEF COMMISSIONER OF THE CENTRAL PROVINCES,—No. 502, dated Simla, 11th July 1876.* **No. XI.**

In acknowledging the receipt of your Officiating Secretary's letter No. <sup>2445</sup><sub>104</sub> dated the 29th ultimo, on the subject of the Settlement of the Chánda and Nimár Districts, I am directed to request that the Government of India may be furnished, at as early a date as practicable, with the report regarding the proposed introduction of the Bombay Rayatwari system into 24 villages of the Chánda District,

promised in the concluding paragraph thereof. The instructions of the Secretary of State are explicit as regards these villages, and no time should be lost in carrying them out.—I have, &c.

**No.  
XII.**

*Letter from J. W. NEILL, Esq., Officiating Secretary to the Chief Commissioner, Central Provinces, to the SECRETARY TO THE GOVERNMENT OF INDIA, Department of Revenue, Agriculture and Commerce,--No.  $\frac{284}{13}$ , dated Nagpur, the 30th January 1877.*

The Chief Commissioner regrets that he is only now able to respond to the request contained in your letter No. 502, dated 11th July, that a report might be furnished regarding the introduction of the Bombay Rayatwari system into 24 villages of the Chánda District. The delay has arisen from the Chief Commissioner having had to refer to the Deputy Commissioner of Chánda for full information; but he is now able to lay before the Government of India the accompanying Statement, showing, for 14 villages, statistics of area, cultivation, and the classes of cultivators as these existed when the Settlement of the Chánda District was first commenced, and as they now are.

2. It was mentioned by Mr. Pedder that there were 24 villages in which proprietary rights had not been conferred, and which it would be possible to settle on Rayatwari principles. Before, however, the decision of the Government of India and of the Secretary of State had been arrived at, 14 of these villages had been leased out for the period of the current Settlement, and in those villages a Rayatwari Settlement could not be attempted until the leases expire. The lessees in the meantime acquire no rights, and the cultivators hold their lands on the same tenure as that now introduced into the Chánda District. All the rayats whose rents have not been fixed absolutely hold on the *customary* tenure.

These villages had, until they were leased, been held Kham, but they were held at a loss, and it seemed desirable to accept an offer to take them on lease, as a resident lessee was more likely to keep the cultivators together and assist them as cultivators there require to be assisted, than the Deputy Commissioner could do through his agents.

3. Putting aside these 14 villages there would remain 10 which could be settled on Rayatwari principles, and to these may be added 4 Malguzari villages in which Malguzars have resigned their rights absolutely, considering it unprofitable to hold the villages on the jama assessed. Thus there are, in all, 14 villages, concerning which the appended Statement gives information.

It will be seen, from the sketch map which accompanies this letter, that these villages do not lie together, nor do they lie in a cluster: they are scattered over the district; in all of them certain proprie-

tary rights in individual holdings have been recognised, and of certain rayats the rents have been fixed for the period of the Settlement ; the estimated rental of all taken together does not reach the sum of Rs. 2,000, while the total area is 13,130 acres, the cultivated area 3,179, and the population is naturally very small, while the cultivators are poor and wanting in independence and self-reliance.

With this information before it, the Government of India will be in a position to decide how measures can best be taken to carry out the wishes of the Secretary of State.—I have, &c.



## List of Khālsa Villages

		According to the papers at the time of Settlement.																
Name of Pargana and Tahsil.	Name of Village.	Area.			Tenure on which the village was given.	Jama fixed by the Settlement Department.	Proprietors of holdings (Malik Mak-bunza).			Absolute occupancy tenants (Mutlaq Maurusi).			Conditional occupancy tenants (Shartia Maurusi).			Tenants-at-will (Gair Maurusi).		
		Cultivated.	Culturable.	Unculturable.			Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.
Pargana Warora, Tahsil Warora.	Pohna	554	1686	112	Malguzari.	Rs. 260	1	A. 95	Rs. 53	8	A. 529	Rs. 132	..	..	..	1	A. 4	Rs. 10
Do.	.. Khambara	1193	486	114	Malguzari.	560	15	535	278	22	722	315	..	..	..	..	..	..

## of the Chinda District.

According to the Village papers of 1875-76, and to the conditions set forth in Government Resolution 520, dated 21st June 1875.

Area.				Proprietors of holdings.		Absolute occupancy tenants.		Other tenants holding on a fixed tenure.		Resigned by Mulguzars in this year and given to tenants.		Total.	REMARKS.	
Cultivated.	Culturable.	Unculturable.	Total.	Number of holders.		Number of holders.		Number of holders.		Number of holders.		Total.		
				Area.	Rent.	Area.	Rent.	Area.	Rent.	Area.	Rent.			
A.	A.	A.	A.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	Rs.		
864	1970	112	2352	1	95	64	1	31	6	19	985	13	195	An inhabited village 6 miles from Warora. Prior to the Settlement there were 3,215 acres in this estate. At the Settlement some jungle was excluded and only 2,352 acres were retained. The proprietary right was granted to Musst. Godoo Bai, who held the village till her death. Her heir, Dada Singru, gave in his resignation on 15th July 1871, and it was accepted on the 15th February 1872; since that date the village has been under direct management. There are two reasons for its being of comparatively little value at present,— 1st, the tank is out of repair. 2nd, Dada Singru holds as Malik Makbuz 65 acres, 1 rood, 28 poles of excellent land just below the tank, and therefore even if the tank were repaired he would be the chief planter. The cultivated area has diminished by $\frac{1}{2}$ since the Settlement, and what remains is for the most part held by cultivators of adjoining villages. The estate is surrounded by jungle. If the tank were repaired, cultivators might perhaps be attracted by the facilities for rice cultivation. Both kharif and rabi crops are grown. In this estate there is a tank.
974	878	96	1743	15	51	262	14	360	251	16	500	225	638	This is a flourishing village on the borders of the Chānda and Warādhā districts, and 14 miles from Warora. The soil is fertile, and the village is inhabited by Kumbhies, and lies on the high road from Chānda to Nāgpur via Borl. Good rabi crops are grown. At the time of the Settlement the proprietary right was conferred upon Venka Pātāl; but he resigned on the 2nd May 1872, and since then the village has been held direct. The cultivated area is about $\frac{1}{2}$ less than at the time of Settlement. The number of resident Malik Makbuzas is the same as then, but the absolute occupancy tenants have decreased by 8.



## Chánda District—continued.

According to the Village papers of 1875-76, and to the conditions set forth in Government Resolution 526, dated 21st June 1875.																	
Area.				Proprietors of holdings.		Absolute occupancy tenants.		Other tenants holding on a fixed tenure.			Resigned by Malguzars in this year and given to tenants.			Total.		REMARKS.	
Cultivated.	Culturable.	Unculturable.	Total.	Number of holders.		Area.	Rent.	Number of holders.		Area.	Rent.	Number of holders.		Area.	Rent.		Total.
				A.	Rs.			A.	Rs.			A.	Rs.				
269	1716	39	2024	1	29	12	..	..	..	19	576	68	..	..	..	70	<p>The greater part of the land is held by these two classes. The receipts at present are in excess of the jama fixed at the Settlement. The first order received regarding this village was to lease it to Venka Pátel and the heirs of Ganesh Chintamun, but the final order of 19th May 1876 directed the lease to be given to the heirs of Ganesh Chintamun only. The lease was not given to them, as they failed to come to Chánda for long, and by the time they did come, the order regarding a Rayatwari Settlement had been received.</p> <p>The present cultivators are in a flourishing state and cultivate their own lands.</p> <p>There are no tanks on this estate.</p> <p>This village lies near Khambara No. 2, and is 12 miles from Warora. It contains a few huts. The proprietary right was bestowed upon Venka Pátel and Chintamun Ganesh. The latter died at the time of the Khewat, and his share was entered in his son's names, who were in possession up to April 1872. In May 1872 Venka Pátel gave in his resignation, and since then the village has been under direct management. Reports have been twice submitted regarding this village. The first order was to lease the village to Venka and the heirs of Chintamun Ganesh. Chintamun's heirs having, however, represented that they never resigned their share in the village, the Chief Commissioner was pleased to order on 19th May 1876 that the heirs of Ganesh be put in possession of their half share, and that the remaining half share be leased to them. This arrangement was, for the reasons already stated under No. 2, not carried out. At the Settlement an amount of forest, large in comparison with the cultivated area, was added to</p>

## List of Khalsa Villages of the

According to the papers at the time of Settlement.																				
No.	Name of Pargana and Tahsil.	Name of Village.	Area.			Tenure on which the village was given.	Jama fixed by the Settlement Department.	Proprietors of holdings (Malik Makbuza).			Absolute occupancy tenants (Mutlaq Maurusi).			Conditional occupancy tenants (Shartia Maurusi).			Tenants-at-will (Gair Maurusi).			
			Cultivated.	Culturable.	Unculturable.			Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	
			A.	A.	A.	A.		A.	Rs.		A.	Rs.		A.	Rs.		A.	Rs.		
4	Pargana Warora, Tahsil Warora.	Gurhar	..	247	9	Malguzari	6	..	..	..	..	..	..	..	..	..	..	..		
5	Do.	Bijaoni	1354	60	47	..	200	..	..	..	6	217	50	6	410	80	14	532	134	



## Chanda District—continued.

According to the Village papers of 1876-78, and to the conditions set forth in Government Resolution 526, dated 21st June 1875.

Area.				Proprietors of holdings.		Absolute occupancy tenants.		Other tenants holding on a fixed tenure.		Resigned by Malguzars in this year and given to tenants.		Total.	REMARKS.			
Cultivated.	Culturable.	Unculturable.	Total.	Number of holders.		Number of holders.		Number of holders.		Number of holders.		Total.				
				Area.	Rent.	Area.	Rent.	Area.	Rent.	Area.	Rent.					
A.	A.	A.	A.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	Rs.				
	247	9	256	..	..	..	..	..	..	..	..	..	<p>this estate. The reason of this was, no doubt, that the Malguzar of Khambara had a half share in the village, and the amount of forest was fixed with some reference to the cultivated area in Khambara. This village can be well cultivated by the rayats of Khambara, who now obtain from it their supplies of wood. At present the " Nikasi " is double the Government demand. Jowari is the chief crop. Rabi crops are grown to a smaller extent, and here is no rice. There are no tanks on this estate.</p>			
10	834	47	1461	..	..	2	88	32	13	508	165	1	181	71	263	<p>This is a deserted village, and was so even at the time of the Settlement. It is 16 miles from Warora. There is no cultivation. The proprietary right was given to the same persons who held Futtehpur, No. 3. If the Rayatwari system be introduced at Khambara, it will probably be found best to include this estate in the Government waste. There are no tanks on this estate.</p>
																<p>Is inhabited by Kunbis, and is 10 miles from Warora. The soil is fairly good, and yields jowari, cotton, linseed, and wheat. The village was in the possession of the Malguzar to whom the proprietary right was granted at Settlement up to last year, when he gave in his resignation. He was in reduced circumstances. The cultivators have, it will be observed, considerably decreased. The sir lands amount to 151 acres according to the Khataoni, and are assessed at Rs. 71-8-0. They are cultivated by rayats, though nominally shown against the late Malguzar's name. The Nikasi at present is Rs. 268, including the rent of sir lands. There is little or no prospect of cultivators from the adjoining villages coming to this village. The crops suffer greatly from the ravages of wild beasts. There are no tanks on this estate.</p>

## List of Khālśa Villages of the

		According to the papers at the time of Settlement.																	
No.	Name of Pargana and Tahsil.	Name of Village.	Area.			Tenure on which the village was given.	Jama fixed by the Settlement Department.	Proprietors of holdings (Malik Makbuza).			Absolute occupancy tenants (Mutlaq Maurusi).			Conditional occupancy tenants (Shartia Maurusi).			Tenants-at will (Gair Maurusi).		
			Cultivated.	Culturable.	Unculturable.			Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.
6	Pargana Warora, Tahsil Warora.	Wagaon ..	280	545	98	Malguzari.	Rs. 50	..	..	..	12	517	61	..	..	..	..	..	..
7	Do. ..	Rutnāpur ..	744	586	73	..	120	..	..	..	18	760	108	..	..	..	..	..	..
8	Do. ..	Vissāpur ..	115	505	40	..	20	..	..	..	8	252	16	..	..	..	..	..	..
9	Do. ..	Katoli ..	173	13	16	..	60	..	..	..	..	..	..	5	55	22	7	95	45

## Chānda District—continued.

According to the Village papers of 1875-76, and to the conditions set forth in Government Resolution 528, dated 21st June 1875.																	REMARKS.	
Area.				Proprietors of holdings.			Absolute occupancy tenants.			Other tenants holding on a fixed tenure.			Resigned by Malguzars in this year and given to tenants.					
Cultivated.	Culturable.	Unculturable.	Total.	Number of holders.		Area.	Rent.	Number of holders.		Area.	Rent.	Number of holders.		Area.	Rent.	Total.		
A.	A.	A.	A.	A.	Rs.			A.	Rs.			A.	Rs.					A.
217	614	92	923	..	..	..	3	142	21	9	142	39	..	..	..	60	This village is 16 miles distance from Warora, and is inhabited chiefly by Kunbis. To a large family of this caste the proprietary right of this village, and of the three adjoining villages, of Rutnapur, Vissapur, and Berdi, all three uninhabited, was granted. They have a Tukum, named Waigaon, which has been assessed very low. The lands of this village sold rabi and kharif crops, but no paddy. The proprietor presented on 14 March 1872 his resignation of this and the three other villages above mentioned, and the villages have since been held Kham. He retained, however, the Tukum. The sir land remained in the possession of the late Malguzar on a reduced rent, but orders have been received to enhance it. A small portion of the village is cultivated by its inhabitants, and they also cultivate a small portion of the lands of Rutnapur and Vissapur. The surrounding villages are small, and land is abundant in them: so there is little hope of their giving any cultivators to Waigaon.	
271	1063	70	1403	..	..	..	6	190	29	8	492	57	..	..	..	86	There are no tanks on this estate.	
102	518	40	660	..	..	..	4	131	8	8	103	31	..	..	..	39	Deserted village. There are no tanks on this estate.	
102	91	9	202	..	..	..	..	..	..	12	198	61	..	..	..	61	Do. do. do.	
The proprietary right of this village was granted to Bhugwan Kunbi. He filed his resignation on 8th May 1872, and since then the village has been held direct. The cultivated land of this village is between Katoli, Mukiri and Tukum Katoli. It is inhabited by a large Kunbi family, who also hold the Tukum on a light jama: so they care very little about the village. On the first report made from this office, it was ordered that the village be given on lease to Bhugwan Patel for Rs. 50, if he was willing to take it at that sum. It was, however, not con-																		



## Chánda District—continued.

According to the Village papers of 1875-76, and to the conditions set forth in Government Resolution 526, dated 21st June 1875.															
Area.				Proprietors of holdings.		Absolute occupancy tenants.		Other tenants holding on a fixed tenure.		Resigned by Mahguzars in this year and given to tenants.		Total.		REMARKS	
Cultivated.	Culturable.	Unculturable.	Total.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.
A.	A.	A.	A.		A.	Rs.		A.	Rs.		A.	Rs.		A.	Rs.
70	213	16	300	..	..	..	..	4	70	6	..	..	6	..	..
<p>considered advisable to give the village on a reduced jama to a man who had resigned it and had shown himself unable to manage it well. The area of this village is small, but open. It yields good kharif crops, but no paddy. The Nikasi is equal to the Government demand. There is little or no prospect of cultivators being attracted to this village. The village is 18 miles from Brahmapuril and near to villages Nos. 7 and 8.</p> <p>There are no tanks on this estate.</p> <p>The former area of this village was 1,620 acres. After excluding certain jungle land, only 800 acres were retained. Narrain Patel, the proprietor of the village, resigned it in April 1872. One year before his resignation the village was entirely deserted, but now there are three or four huts of Gondas. Settlers hesitate to come to this village, owing to the damage done by wild beasts, and besides this there is a scarcity of water. The soil is inferior. It produces such crops as Kultha and Toli, but in small quantities. The surrounding villages are small, and have the same kind of soil.</p> <p>There are no tanks on this estate.</p> <p>This was a deserted village at the time of the Settlement, but the proprietary right was conferred on Muset Janki Gondin, who held some Mukasa villages. She resigned on 8th October 1872, and since then the estate has been held direct. The estate is 14 miles from Brahmapuril and there are no resident cultivators. Some of the land is cultivated by the inhabitants of adjoining villages. As this village is between the large villages of Naphoor and Mondki there is some chance of new settlers. The cultivated area has diminished by nearly 2-3/4 since the Settlement.</p> <p>There are no tanks on this estate.</p>															
69	318	392	4	47	16	1	38	8	5	97	19	..	..	43	..



REMARKS

Area.				Proprietors of holdings.		Absolute occupancy tenants.		Other tenants holding on a fixed tenure.		Resigned by Malguzars in this year and given to tenants.		Total.		REMARKS.		
Cultivated.	Culturable.	Unculturable.	Total.	Number of holdings.		Number of holders.		Number of holders.		Number of holders.		Total.				
A.	A.	A.	A.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	Rs.		
106	557	111	771	..	..	..	..	10	65	155	2	57	169	318	10 annas and 8 pies share of the proprietary right of this village was given to Ittoo Tell, a resident of this village, and 7 annas 4 pies share to Setaram Kohlee. The village was in the possession of both up to last year. Ittoo Tell died, and his heirs refused to hold his share, and Setaram resigned his share on 14th March 1876. This is an inhabited village and 18 miles from Brahmapuri. It is surrounded by jungle. The land is of good quality, and paddy and sugarcane being cultivated at a high rate of rent is realized from the cultivators. At present, however, the village is not in a flourishing state. There are two large tanks and one small tank, but having fallen out of repair, they do not hold sufficient water. If repaired there might be a prospect of new settlers coming. The area under cultivation at present is the same as at the time of the Settlement.	
152	147	101	400	5	50	15	21	164	31	3	23	10	1	54	72	The state of this village is dependent upon Antergaon, a large inhabited village in the neighbourhood, whose cultivators till the land. At the time of the Settlement the proprietary right of this village as well as of Antergaon was given to one Fakira Gaudhi Kohlee. But Antergaon was subsequently given to his old Pátel the (hitna is on his name). In March 1876 Fakira resigned. The village is on the bank of the Waingunga. The chief crop is Jowári. There is no paddy. The Nikasi of the village is equal to the Government demand. There are some inhabited villages near. The area under cultivation has not diminished since the Settlement.
There are no tanks on this estate.																

## List of Khālśa Villages of the

		According to the papers at the time of Settlement.																	
No.	Name of Pargana and Tahsil.	Name of Village.	Area.			Tenure on which the village was given. Jama fixed by the Settlement Department.	Proprietors of holdings (Malik Mak-buza).			Absolute occupancy tenants (Mutlaq Mansuri).			Conditional occupancy tenants (Shartia Maurusi).			Tenants at will (Gair Maurusi).			
			Cultivated.	Culturable.	Unculturable.		Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	Number of holders.	Area.	Rent.	
14	Pargana Hawell, Tahsil Mut.	Ittoll ..	A. 53	A. 124	A. ..	Rs. 10	..	..	..	5	60	9	..	..	..	..	..	..	..

Chānda, }  
21st October 1876. }



## Chānda District—concluded.

According to the Village papers of 1875-76, and to the condition set forth in Government Resolution 528, dated 21st June 1875.																		
Area.				Proprietors of holdings.		Absolute occupancy tenants.		Other tenants holding on a fixed tenure.		Resigned by Mulguzars in this year and given to tenants.		Total.		REMARKS.				
Cultivated.	Culturable.		Unculturable.	Total.	Number of holders.		Area.	Rent.	Number of holders.		Area.	Rent.	Number of holders.		Area.	Rent.	Total.	
	A.	A.			A.	A.			A.	A.			A.					A.
..	177	..	177	..	..	..	..	..	..	..	..	..	..	..	..	..	..	The area of this village was larger before the Settlement. But at the time at the Settlement 56 acres only being under cultivation the excess waste was excluded. The proprietary right was granted to Juggiah Brahmin, a resident of Chānda. The village is not inhabited, and lies at 14 miles distance from Chānda. Last year there was no land cultivated. This year only 2 acres are under cultivation. The reason of this is that wild beasts cause immense damage. The estate is surrounded by thick forest, and its soil is not of good quality. Formerly there was a tank from which rice was irrigated, but about 35 years ago the dam gave way, and since then the village has been abandoned. The tank above referred to is now in the Government waste, and is of no use to the estate.

W. VERTUE,  
Officiating Deputy Commissioner.

No.  
XIII.

*Letter from G. H. M. BATTEN, Esq., Officiating Secretary to the Government of India, Department of Revenue, Agriculture and Commerce, to the CHIEF COMMISSIONER OF CENTRAL PROVINCES,—No. 765, dated Simla, the 23rd October 1877.*

I am directed to acknowledge the receipt of your Officiating Secretary's letter No. 284—13, dated the 30th January last, submitting a report on the proposed introduction of the Bombay Rayatwari system into 24 villages of the Chánda District, and in reply to convey the following remarks and orders of the Government of India.

2. In paragraph 73 of his report No. 1293, dated the 6th April 1873, Mr. W. G. Pedder, the Officiating Commissioner of the Nágpur Division, mentioned that there were 24 villages in Chánda of which the proprietary rights have not yet been given away, and and that it was probable that a few more villages would be resigned by their Mukádams in consequence of the modifications to be made in the terms on which they were originally agreed for. He accordingly suggested that such villages might be settled Rayatwári on the Berár system, with a liberal percentage on the revenue as remuneration for a resident and cultivating Pátel. Colonel Keatinge, in supporting Mr. Pedder's recommendation, brought to notice (paragraph 29 of his Secretary's letter No. 1789—101, dated the 15th May 1872) that the Chánda District had in reserve an area of 1,443,000 acres of waste, an area as large as that in which the assessment had already been settled, where settlers could be admitted on any terms and on any tenure that the Government might wish; and that on these lands the Rayatwári system might in time be made to work side by side with the Malguzari, and the comparative merits of the two would then become apparent.

3. You, however, did not concur in this proposal. You said in paragraph 36 of your Secretary's letter No. 112—213, dated the 9th January 1873, that it was undesirable that so very different a system should be introduced into a few villages in the district; and that the advantage of leaving the two systems to work side by side, merely with the object of proving that one was superior to the other, was not clear.

4. The Secretary of State considered the grounds urged by you to be insufficient, and he desired, in paragraph 9 of his despatch No. 11, dated the 6th April 1876, that steps should be taken at an early opportunity for the introduction of the ordinary Rayatwari system of the Bombay Presidency into the 24 villages referred to.

5. These orders having been communicated to you with my letter No. 406, dated the 9th June 1876, you now raise the following objections to the introduction of the Rayatwari system :—

1st.—That as 14 out of the 24 villages have, since Mr. Pedder's report was written, been leased out for the period of the current settlement, a Rayatwari Settlement cannot be attempted there until the leases expire.

*2ndly.*—That while it would be possible, in the remaining 10, as well as in 4 Malguzari villages where the Malguzars have resigned their rights, to effect a settlement on Rayatwari principles, these villages do not lie together, nor do they lie in cluster. They are scattered over the district, and in all of them certain proprietary rights in individual holdings have been recognized, and the rents of certain rayats fixed for the period of the Settlement. The estimated rental, besides, of all the villages taken together does not reach the sum of Rs. 2,000, while the total area is 13,130 acres, of which 3,175 only are cultivated. The population also is very small, and the cultivators are poor and wanting in independence and self-reliance.

6. The first objection appears to His Excellency in Council to be valid, and he agrees that the introduction of the Rayatwari Settlement into those villages which have been leased out should be deferred until the period of the current Settlement expires.

7. As regards the remaining villages, however, His Excellency in Council considers, notwithstanding the objections advanced by you, that the orders of the Secretary of State should at once be carried into effect. He cannot regard the scattered position of the villages as constituting an insuperable objection to the application to them of the Rayatwari system. Moreover, it seems that 10 out of the 14 villages are all in one pargana and one tahsil.

8. Nor does His Excellency in Council perceive any incompatibility between the Rayatwari system and the circumstance that certain proprietary rights in individual holdings have been recognized, or that the rents of certain rayats have been fixed for the period of Settlement. To His Excellency in Council the essence of the Rayatwari system, both in Madras and Bombay, seems to be that so long as the rayat pays the assessment he cannot be ousted from his land, or, in other words, he possesses a proprietary right in it; nor can his assessment be raised during the currency of the Settlement, unless he takes up fresh land, or converts dry land into wet by availing himself of irrigation from a Government source of irrigation. It appears that the 14 villages referred to are at present unencumbered by the claims of any superior holders, and His Excellency in Council cannot perceive the difficulty of collecting the revenue from each individual landholder, appointing a Pâtel for the purpose and if necessary revising the assessment, which would not be a difficult work. If the villages be declared Rayatwari, all culturable waste which is not included in the holding of one of the present landholders will become liable to assessment as it is brought into cultivation.

9. In respect to the question of the disposal of the 1,443,000 acres of waste land raised by Colonel Keatinge, His Excellency in Council remarks that if it was an error to introduce the system of Malguzari proprietors into Chânda, it would doubtless be a mistake to perpetuate that error by applying a system, which has been

condemned by both the Government of India and the Secretary of State, to so extensive a tract of country. The Secretary of State has distinctly ordered, in paragraph 8 of his despatch cited above, that "every opportunity should be taken, consistently with good faith, of diminishing the area over which the existing principle of Settlement operates," and with reference to the instructions contained in paragraph 9 of his despatch, it seems to His Excellency in Council clear that what the Secretary of State had in view in giving these orders was the introduction of a Rayatwari settlement wherever it might be feasible. Acting on these views, and presuming that the disposal of the waste land rests with Government, His Excellency in Council desires that the Rayatwari system be applied to these 1,413,000 acres as proposed by Colonel Keatinge.

10. His Excellency in Council does not overlook the possibility of the introduction of a Rayatwari system in the immediate neighbourhood of Rayatwari villages proving detrimental to the interests of some of the Malguzars by rendering their tenants more independent of them than they otherwise would be. This is a result which the Government of India would deplore; and though it may not be possible to prevent it altogether, it should be impressed upon the officers who may be employed in framing the Settlement, and also upon the district officers employed in working it, that they should be careful to abstain from holding out any inducements to the tenants on the adjoining Malguzari land to emigrate into the Rayatwari tract.

11. In conclusion, I am to state that, in the present state of the Indian finances, it appears to His Excellency in Council very important that no opportunity should be lost of introducing a system which has the great advantage of gradually increasing the land revenue of a district as additional land is brought into cultivation in the least burthensome manner.—I have, &c.

*Despatch from the SECRETARY OF STATE FOR INDIA to His Excellency the Right Honourable the GOVERNOR GENERAL OF INDIA IN COUNCIL, Revenue, No. 93, dated India Office, London, 6th December 1877.*

**No.  
XIV.**

Para. 1.—The despatch of your Excellency in Council, dated 25th October, No. 23 of 1877, relative to the settlement of Chánda and Nimár Districts, has been considered by me in Council.

2. The Chief Commissioner of the Central Provinces objected to the proposed introduction of the Bombay Rayatwari system into 24 villages of the Chánda District, in which the proprietary right had not been given away; that, since Mr. Pedder's report was written, 14 out of the 24 villages had been leased out for the period of the current Settlement. With respect to the remaining 10 villages, it was admitted that the Bombay system could be introduced, and also into four Malguzari villages in which the Malguzars had resigned their rights, but it was objected, that the villages were scattered over the districts, that certain proprietary rights had been recognized in individual holdings, and that the rents of certain rayats had been fixed for the period of the Settlement. It was also stated that out of a total area of 13,130 acres, only 3,175 are cultivated.

3. Your Excellency in Council admitted the validity of the objection with respect to the 14 villages, and agreed that the introduction of the Rayatwari Settlement into these villages must be deferred until the expiration of the period of the current Settlement.

4. With respect to the other villages, your Lordship in Council over-ruled the objections of the Chief Commissioner, not seeing any incompatibility between the Rayatwari system and the circumstance that certain proprietary rights in individual holdings had been re-recognized, and that the rents of certain rayats had been fixed for the period of Settlement. The other objections seemed to be of still less value.

5. I approve, then, of the orders issued by your Excellency in Council, both for the immediate introduction of the Bombay Rayatwari system into these villages and for the introduction of the same system into the remaining 14 villages at the expiration of the present Settlement, when the existing leases will determine.

6. I also approve the orders issued by your Excellency's Government in respect to the disposal of the waste land, as stated in paragraph 9 of the despatch under reply.—I have, &c.

#### NO. 12.—LAND REVENUE AND SETTLEMENTS.

*Department of Revenue, Agriculture and Commerce, dated Calcutta the 7th January 1878.*

Copy forwarded to the Chief Commissioner of the Central Provinces for information, in continuation of the letter from this Department No. 765, dated the 23rd October 1877.

By order,

CHARLES M. LYALL,

Under Secretary to the Government of India.

No  
XV.

*Letter from LINDSAY NEILL, Esq., Officiating Secretary to the Chief Commissioner, Central Provinces, to the SECRETARY TO THE GOVERNMENT OF INDIA, Department of Revenue, Agriculture and Commerce,—No. 247<sup>231</sup>, dated Nágpur, the 21st January 1878.*

I am directed to acknowledge your letter No. 765, dated the 23rd October last, on the subject of the Settlement on Rayatwari tenure of 14 villages in the Chánda District of these Provinces.

The first six paragraphs of your letter epitomise the correspondence which has already taken place on this subject, and in the 7th paragraph, His Excellency in Council is pleased to direct that the orders of the Secretary of State regarding the Settlement of these villages shall be at once carried into effect.

2. From the letters marginally noted\*, which are annexed, the Government of India will perceive that the Chief Commissioner has given effect to the orders, and that a Rayatwari Settlement on the basis sketched in your 8th paragraph will at once be made.

\* No. 5602, dated 21st December 1877, from Commissioner, Nágpur.

No. 248-231, dated 21st January 1878, to Commissioner.

The desire of the Government of India, expressed in paragraph 9, that a Rayatwari Settlement should be made of the waste lands of the Chánda District which are the property of Government, will be carefully borne in mind. The Chief Commissioner has, however, little doubt that Government will agree with him in the expediency of checking shifting squatter cultivation, and will approve of the orders issued for locating squatters in Rayatwari villages. The breaking up of fresh land in the Chánda District will be a work of time; but His Excellency may rely on the Chief Commissioner encouraging it, and in giving the Rayatwari system a fair trial. The Chief Commissioner does not think that there exists any danger of tenants on Malguzari land emigrating to Rayatwari tracts, and injurious competition between the two systems is not likely to arise.—I have, &c.

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*Letter from LINDSAY NEILL, Esq., Officiating Secretary to the Chief Commissioner, Central Provinces, to the COMMISSIONER, Nágpur Division,—No. 248-231, dated Nágpur, the 21st January 1878.*

I am directed to acknowledge your letter No. 5602, dated 21st December, on the subject of the Settlement on a Rayatwari tenure of some 14 villages in the Chánda District, ordered by the Government of India in their Revenue, Agriculture and Commerce letter, No. 765, dated 23rd October last.

2. Your letter is written after marching through the Chánda District and seeing the Deputy Commissioner, and it is satisfactory to the Chief Commissioner to learn that you see little or no difficulty in giving effect to the orders of the Supreme Government. As a fact, the Chief Commissioner did not think that difficulty would be experienced, for while the Government letter, already referred to,

brings out the essential feature of the Rayatwari system, *viz.*, "that so long as the rayat pays the assessment he cannot be ousted from his land, or, in other words, he possesses a proprietary right in it," it does not contemplate a proceeding incidental perhaps only, but still closely allied to the system, *viz.*, a minute examination and classification of soils and fields. You will remember that in paragraph 73 of Mr. Pedder's letter No. 1293, dated 6th April 1872, it was proposed that a small working party of the Berár Settlement should be applied for, and it was in this and the probability of this measure unsettling the people and rendering them doubtful as to the intention of Government, that the real difficulty lay. The Chief Commissioner has little doubt but that existing maps and records will afford sufficient information for all purposes, and he now desires you without delay to fix permanent rents for the period of the Settlement in these 14 villages, and to inform all the rayats that during its currency their rents will only be liable to enhancement if they take up fresh lands, or convert dry land into wet by availing themselves of irrigation from a Government source of irrigation. From among the rayats one should now be selected and appointed as a Patel.

3. In regard to paragraph 4 of your letter, the Chief Commissioner concurs in your observations respecting the undesirability of fostering squatter cultivation in the Chánda unreserved forests. Such cultivation is always of a shifting nature, and its existence in our forests has in more than one instance caused difficulty in introducing a proper system of forest management. You propose that we should endeavour to settle these restless cultivators in Malguzari or Rayatwari villages. The proposal is judicious, but a preference might be given to a settlement in Rayatwari villages, so that a fair trial of the system may the more readily be given, especially as you are of opinion, in which the Chief Commissioner concurs, that a Rayatwari system in a few villages and its application to the Chánda waste lands will in no way prove detrimental to the Malguzari system already in force.

4. In issuing your instructions to the Deputy Commissioner, Mr. Morris would like you to instruct him to keep an eye on these Rayatwari villages, and notice their condition with some prominence in his Annual Revenue Report.

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*Letter from J. W. NEILL, Esq., Officiating Commissioner, Nágpur Division, to the SECRETARY TO THE CHIEF COMMISSIONER, Central Provinces—No. 5602, dated Nágpur, the 21st December 1877.*

With reference to your endorsement No. 4344-193, dated 12th November, on letter No. 765, dated 23rd October, from the Government of India in the Revenue Department, regarding the Settlement on the Rayatwari system of 14 villages in the Chánda District, I have the honor to say that I do not think there will be any difficulty whatever in carrying out the wishes of the Government of India. I

might even go further, and say that what the Government apparently desire, has already been carried out.

2. I delayed replying to your inquiry until I should have had the advantage of seeing the Deputy Commissioner of Chánda, and having now returned from a tour in the Chánda District, I am able to answer your question.

3. The essence of the Rayatwari system is held to be this, that so long as he pays the assessment on his holding, a rayat cannot be ousted, nor can his assessment be raised during the currency of the Settlement, unless he breaks up fresh land, or converts dry land into wet. There can, in my opinion, be no difficulty whatever in introducing these essential elements into the tenure of all rayats holding land in the villages in question.

At present the rent of every rayat is fixed, and a jamábandi is prepared, showing the payment of each rayat and the amount payable at each kist. There will be no difficulty in fixing permanent rents for the period of Settlement, and informing all the rayats that during the currency of the Settlement their rent will only be liable to enhancement on the grounds above specified. At present no Pátel exists, and the rents are collected by the Tahsildárs directly. It will be easy, however, to appoint one of the most ancient rayats. A small percentage on the assessment of the village would recompense him for the trouble of collecting rents from individual rayats, and performing the other duties of a village headman.

I only await the orders of the Chief Commissioner before directing the Deputy Commissioner of Chánda to carry out these measures.

4. I come now to paragraph 9 of the Government letter.

At present there is a good deal of cultivation in the Chánda unreserved forests, but the cultivation is scattered and only in plots, and the permission to cultivate is for one year only. I am clearly of opinion, and I think the Deputy Commissioner agrees with me, that it is very undesirable to countenance such squatter cultivation, and as there is plenty of waste land (Malguzari) attached to the Chánda villages, our object should be to endeavour to settle these restless cultivators in some established village. I believe that, as time goes on, we shall be successful in this. At present a considerable proportion of these squatter cultivators are persons who are now just settling down to agriculture, and a little time must be given them to become attached to some particular spot. They will be best led into the way we wish by indirect means, by trying to obtain for them land on good terms in the Malguzari or Rayatwari villages, and by (as soon as it is safe to do so) demanding a somewhat high rent for small plots of land taken up within the unreserved forests. In this manner I think we may be able to increase the settled cultivation of the Chánda District.

The last part of paragraph 9 says, the Governor General desires that the Rayatwari system be applied to the 1,443,000 acres of the Chánda District which are not included in the Malguzari area. It



will be long before this area is broken in upon for cultivation on any thing like a large scale, and the matter is not one of immediate moment, although it will be necessary to keep these wishes in sight. I am disposed to think also that it will only be possible to carry out these views if we first of all confine cultivation as much as possible to the existing village areas (Malguzari and Rayatwari) and then, as population presses on the land, enlarge the village boundaries by permitting the adjacent forest land to be broken up ; such additional land would be held on the Rayatwari principle.

5. With regard to paragraph 10, I venture to think that the Government of India need have no fear, that in the Chánda District the introduction of the Rayatwari system into a few villages, or the application of the Rayatwari system to all lands, reclaimed from the 1,443,000 acres of Government jungle, will prove detrimental to the interests of Malguzars by making their tenants more independent than they would otherwise be. In some other districts of these Provinces it might be so, but hardly in Chánda for many years to come. On the contrary, I am disposed to think that the Malguzar or Pátel, call him what you will, is very much leaned on by the rayats, very many of whom he helps with seed grain or plough cattle or both. The cultivators are far from being independent. Sir Richard Temple the other day paid a probably well-deserved tribute to the thrift, manliness and independence of the Bombay rayats, from whom he said it would be possible to collect nearly all the revenue which had to be suspended owing to the famine ; but our rayats in the more backward districts in Chánda, in Bhandára, in Chhattisgarh, have not yet reached that stage. They lean on the Malguzar, Pátel or Gaontia, and unless he were to help them, they would be very badly off. In other districts in the Nerbada valley, and in the Wardha District, there is more wealth among the rayats, and consequently more independence ; but, in my opinion, we need not fear that the steps it is proposed to take in Chánda towards introducing a Rayatwari system where it is possible, will be attended with the evils which the Government of India naturally wish to guard against. The assessment has been made sufficiently light to enable the Malguzars to deal liberally with their rayats, and the Government is not going to enter into competition with the Malguzars, and, further, it may be said that the orders of Government have placed the rayats in Chánda in so favourable condition that they cannot well be oppressed by the Malguzars if they only use ordinary thrift and diligence, and that the position they have attained is not really much inferior to that of a rayat holding on the Rayatwari system.

6 To sum up, the wishes of the Government of India can be readily carried out in the 14 villages, and the policy of the Government can be followed without any danger of the evil results against which they have warned us. I now only await the Chief Commissioner's orders.